

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

appropriated from the General Fund to carry out the purposes of this Act.

1983-84 1984-85

EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

Division of Special Education-Exceptional Children

All Other (\$281,138) (\$317,687)

HUMAN SERVICES, DEPARTMENT OF

Division of Eye Care

All Other \$281,138 \$317,687

Effective September 23, 1983.

CHAPTER 354

H.P. 827 - L.D. 1085

AN ACT to Amend the Child and Family Services and Child Protection Act.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §4008, sub-§2, ¶¶E and F, as enacted by PL 1979, c. 733, §18, are amended to read:

E. A person having the legal responsibility or authorization to educate, care for, evaluate, treat or supervise a child, parent or custodian who is the subject of a record. This shall include a member of a treatment team or group convened to plan for or treat a child or family which is the subject of a record; ~~and~~

F. Any person engaged in bona fide research, provided that no personally identifying information is made available, unless it is essential to the research and the commissioner or his designee gives prior approval. If the researcher desires to contact a subject of a record, the subject's consent shall be obtained by the department prior to the contact; and

Sec. 2. 22 MRSA §4008, sub-§2, ¶G is enacted to read:

G. Any agency involved in approving homes for the placement of children, with protection for identity of reporters and other persons when appropriate.

Sec. 3. 22 MRSA §4011, sub-§1, as enacted by PL 1979, c. 733, §18, is amended to read:

1. Reasonable cause to suspect. When, while acting in his professional capacity, a medical or osteopathic physician, resident, intern, emergency medical technician, medical examiner, physician's assistant, dentist, dental hygienist, dental assistant, chiropractor, podiatrist, registered or licensed practical nurse, Christian Science practitioner, teacher, guidance counselor, school official, social worker, homemaker, home health aide, medical or social service worker, psychologist, child care personnel, mental health professional or law enforcement official knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected, he shall immediately report or cause a report to be made to the department.

A. Whenever a person is required to report in his capacity as a member of the staff of a medical or public or private institution, agency or facility, he shall immediately notify the person in charge of the institution, agency or facility, or his designated agent, who shall then cause a report to be made. The staff may also make a report directly to the department.

B. Any person may make a report if that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected.

C. A person shall not be required to report when the factual basis for knowing or suspecting abuse or neglect comes from treatment of a person responsible for the child, the treatment was sought by that person for a problem of abuse or neglect and there is little threat of serious harm to the child.

Sec. 4. 22 MRSA §§4016 and 4017 are enacted to read:

§4016. Confidentiality of employee records

Notwithstanding Title 5, section 554, subsection 2, paragraph E or any other provision of law, the

confidentiality of employee records is abrogated in relation to required reporting, cooperating with the department or guardian ad litem in an investigation or other child protective activity or giving evidence in a child protective proceeding.

§4017. Discrimination

No person may be discriminated against by any employer in any way for participating in good faith in reporting under this subchapter or in a related child protection investigation or proceeding.

Sec. 5. 22 MRSA §4023, sub-§4, ¶A, as enacted by PL 1979, c. 733, §18, is amended to read:

A. Prior to or on initiating short-term emergency services, the department or agency shall take reasonable steps to notify a custodian that the child will receive or is receiving the services.

Sec. 6. 22 MRSA §4061, sub-§1, as enacted by PL 1979, c. 733, §18, is amended to read:

1. Department. The department shall care for a child ordered into its custody in licensed or approved family foster homes ~~or other appropriate facilities for children~~, in other residential child care facilities or in other living arrangements as appropriate to meet the child's individual needs.

Effective September 23, 1983.

CHAPTER 355

H.P. 1109 - L.D. 1462

AN ACT to Clarify Method of Payment of Salaries to County Commissioners.

Be it enacted by the People of the State of Maine as follows:

30 MRSA §106, 1st ¶, as amended by PL 1979, c. 245, §2, is further amended to read:

The county commissioners in the several counties shall receive annual salaries as set forth in section 2 from the treasurer of the counties in weekly, biweekly, monthly, semiannual or annual payments, as determined by the county commissioners. ~~If such~~