

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

municipal legislative body within an unorganized township that has petitioned to adopt ordinances under this section.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 2, 1984.

CHAPTER 690

H.P. 1547 - L.D. 2037

AN ACT Relating to Penalties for
Hunting without a License.

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

12 MRSA §7901, sub-§1-A, as enacted by PL 1983, c. 588, §14, is amended to read:

1-A. Violation. A violation of section 7371, subsection 3, is a Class E crime, provided that the convicted person shall be subject to a minimum fine of ~~not less than~~ \$50 plus an amount equal to twice the applicable license fee, ~~this fee~~ fine not to be suspended.

Effective July 25, 1984.

CHAPTER 691

H.P. 1740 - L.D. 2294

AN ACT Concerning the Disclosure of
Licensing Records Regarding Adult and Child
Care Programs.

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

Sec. 1. 22 MRSA §7702, as amended by PL 1981, c. 309, §1, is further amended to read:

§7702. Violation; penalty

Whoever violates any provision of this subtitle shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both, except that anyone violating ~~section~~ sections 7703 and 8305 shall be punished only by a fine of not more than \$500.

Sec. 2. 22 MRSA §7703 is enacted to read:

§7703. Records; disclosure

1. Records. Except as otherwise provided by law and this section, any records that are made, acquired or retained by the department in connection with its responsibilities under this subtitle shall be available to the public.

2. Confidential information. Except as provided in subsections 3 and 4, confidential information may not be released without a court order or a written release from the person about whom the confidential information has been requested. The following information is confidential:

A. Any information which identifies, directly or indirectly, a recipient of services of the facility, a client of the facility or his family or custodian, except where the family member or custodian is an owner or operator of the facility;

B. Notwithstanding sections 3474 and 4008, any information gathered in the course of an investigation of neglect or abuse, except a statement indicating whether or not a report of abuse or neglect has been received, the nature of the alleged abuse or neglect and the conclusion reached by the department, if any;

C. Any information that identifies, directly or indirectly, a reference, complainant or reporter of suspected abuse or neglect;

D. Any information pertaining to the adoption of an individual;

E. Any information about the private life of any person, other than an owner, operator or employee of a facility, in which there is no legitimate public interest and which would be offensive to a reasonable person, if disclosed, except as provided in paragraph F; and

F. Any information about the private life of any person who has applied for a license or approval or is or has been licensed or approved as an adult or child family foster home, as defined in section 7901, subsection 3 and section 8101, subsection 3, in which there is no legitimate public interest and which would be offensive to a reasonable person, if disclosed.

Within the department, confidential information shall be available to and used by appropriate departmental personnel and legal counsel in carrying out their various functions. Nothing in this section may prevent the release of statistical information regarding the population of the facility by diagnosis or other classification, provided that it does not directly or indirectly identify the clients or recipients of services of the facility.

3. Optional disclosure of confidential information. Relevant information made confidential by subsection 2 may be released to the following:

A. An agency investigating a report of child or adult abuse or neglect when the investigation is authorized by law or by an agreement with the department;

B. A physician treating a child or adult whom he reasonably suspects may be abused or neglected;

C. A person, the parent or guardian of a minor, or the guardian of an incapacitated adult named in a record, provided that the identity of any reference, complainant, reporter of suspected abuse or neglect or other person is protected when appropriate;

D. A person having the legal responsibility or authorization to educate, care for, evaluate, treat or supervise a client or recipient of services of the facility. This shall include a member of a treatment team or group convened to plan for or treat a person named in a record, provided that the identity of any reference, complainant, reporter of suspected abuse or neglect or other person is protected, when appropriate;

E. 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;

F. Any agency involved in approving homes for the placement of children, provided that the identity of any reference, complainant, reporter of suspected abuse or neglect or other person is protected, when appropriate;

G. An individual seeking to place a child or adult in a particular facility with protection for the identity of any reference, complainant, reporter of suspected abuse or neglect or other person, when appropriate; or

H. An owner or operator of a facility which is the subject of a record, provided that the identity of any reference, complainant, reporter of suspected abuse or neglect or other person is protected, when appropriate.

4. Mandatory disclosure of confidential information. The department shall disclose relevant information in the records made confidential by subsection 2 to the following persons:

A. The guardian ad litem of a child or adult named in a record who is reported to be abused or neglected;

B. A law enforcement agency investigating a report of child abuse or neglect or the commission of a crime by an owner, operator or employee of a facility against a client or recipient of services of the facility;

C. A court on its finding that access to those records may be necessary for the determination of any issue before the court. Access shall be limited to in camera inspection, unless the court determines that public disclosure of the information is necessary for the resolution of an issue pending before it;

D. A grand jury on its determination that access to those records is necessary in the conduct of its official business;

E. An appropriate state executive or legislative official with responsibility for adult or child protection services in carrying out his official functions, provided that no personally identifying information may be made available unless necessary to his functions;

F. The Protection and Advocacy Agency for the Developmentally Disabled in Maine in connection with investigations conducted in accordance with chapter 961. The determination of what information and records are relevant to the investigation shall be made by agreement between the department and the agency; and

G. The Commissioner of Educational and Cultural Services, when the information concerns teachers and other professional personnel issued certificates under Title 20-A.

5. Dissemination of confidential information. Information released pursuant to subsections 3 and 4 shall be used solely for the purpose for which it was provided and shall not be further disseminated.

Effective July 25, 1984.

CHAPTER 692

S.P. 846 - L.D. 2292

AN ACT to Clarify the Eligibility Provisions for Accident and Sickness or Health Insurance Program for State Employees.

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

Sec. 1. 5 MRSA §285, sub-§1, as amended by PL 1981, c. 178, is repealed and the following enacted in its place:

1. Eligibility; generally. The following persons are eligible for group accident and sickness or health insurance:

A. Each appointed or elective officer or employee of the State of Maine who is eligible for membership in the Maine State Retirement System or the State Police Retirement System;

B. Any member of the judiciary or workers' compensation commissioner;

C. Any employee of the Maine State Employees' Credit Union;