

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

4 times his weekly benefit amount in employment by an employer; or

Effective September 19, 1985.

CHAPTER 421

S.P. 85 - L.D. 266

AN ACT to Index Eligibility Levels
for the Elderly Householders Tax and
Rent Refund Program to Conform to
Increases in Social Security Benefits.

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

Sec. 1. 36 MRSA §6103, sub-§4-A is enacted to read:

4-A. Household income eligibility adjustment factor. "Household income eligibility adjustment factor" means one plus the annualized cost-of-living adjustments for Social Security retirement benefits during the year for which relief is requested.

Sec. 2. 36 MRSA §6108, as amended by PL 1981, c. 698, §189, is further amended by adding at the end a new paragraph to read:

Beginning March 1, 1986, and annually thereafter, the State Tax Assessor shall determine the household income eligibility adjustment factor. That factor shall be multiplied by the income limitations applicable for the year prior to that for which relief is requested. The result shall be rounded to the nearest \$100 and shall apply to the year for which relief is requested corresponding to the year on which the annualized cost-of-living adjustments were based.

Effective September 19, 1985.

CHAPTER 422

S.P. 566 - L.D. 1494

AN ACT Concerning Access to Medical Records
by Prosecutors.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there has been a dramatic increase in the number of abuse cases reported, investigated and prosecuted in this State; and

Whereas, prosecutors require the tools with which to effectively prosecute abuse cases; and

Whereas, the continuing ability of the system of justice to deal with these cases is threatened by the lack of power of the prosecutor to compel the production of medical records; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

5 MRSA §200-E, as enacted by PL 1981, c. 242, §1, is repealed and the following enacted in its place:

§200-E. Medical records furnished to prosecutor in certain cases

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Medical records" means all the records of the examination or treatment of a person relating to the alleged criminal act, in whatever medium preserved, including, but not limited to, records which are made confidential by any other provision of law.

B. "Victim" means a person who is or was the object of an alleged criminal act. In this section, a person who is certified by the prosecutor to be a victim, shall be considered a victim.

A victim includes, but is not limited to:

- (1) A person certified to be deceased;

(2) An abused person who has not attained his 18th birthday;

(3) An abused person who reasonably appears to be incapacitated; or

(4) An abused person subject to guardianship, public guardianship or temporary guardianship.

2. Medical examination; criminal proceeding or investigation. In any criminal proceeding or investigation, where medical examination or treatment has been provided to a victim, upon written request of the Attorney General or any of his deputies or assistants whom he designates in writing, or the district attorney or his deputy or assistants whom he designates in writing, any individual, partnership, association, corporation, institution or governmental entity which has rendered the examination or treatment shall immediately provide the authorized person with all medical records pertaining to the medical examination or treatment that are requested by the authorized person. Where the authorized person knows of circumstances or factors which would require production of fewer than all medical records, he shall attempt to request the specific medical records believed to be pertinent.

A. Unless otherwise provided by state or federal law, this section on the furnishing of confidential medical records governs.

3. Medical records; copies. A person or entity who provides copies of medical records shall be entitled to be paid the reasonable costs of the provision of the copies as agreed upon by the person or entity who provides these copies and the authorized person making the request pursuant to this section. If the parties cannot agree, the Superior Court shall order reimbursement at a reasonable rate. The delay occasioned by any negotiations surrounding reimbursement or complaint to the Superior Court shall not delay the provision of the requested medical records.

4. Medical records confidential. Medical records obtained by the authorized person pursuant to this section are confidential and shall not be disseminated to any person other than by order of court or to a member of the staff of the authorized person, a law enforcement officer specially assigned to the criminal proceeding or investigation, or other person who, by virtue of special knowledge or training, is

designated by the authorized person to assist him in the performance of his duty in the criminal proceeding or investigation.

5. Civil contempt. Any person who is required to produce medical records by this section and intentionally or knowingly fails to do so within 20 days of the service of the written request upon him, may be subject to civil contempt for his failure to comply with the request.

6. Immunity from liability. No individual, partnership, association, corporation, institution or governmental entity or employee or agent of a governmental entity may be criminally or civilly responsible for furnishing any medical records in compliance with this section.

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

Effective June 25, 1985.

CHAPTER 423

S.P. 570 - L.D. 1506

AN ACT to Regulate Recovery of Costs of Canceled or Abandoned Electric Generating Facilities.

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

Sec. 1. 35 MRSA §52-B, sub-§5, as enacted by PL 1983, c. 811, §2, is amended to read:

5. Canceled plant recovery filing fee. Any utility requesting recovery in rates of its investment in a canceled or abandoned electric generating facility shall pay to the commission a filing fee of ~~\$75,000~~ \$150,000 for each facility. The utility may request the commission to waive all or a portion of the filing fee. Notwithstanding any other provision of law, filing fees paid as required in this section shall be segregated, apportioned and expended by the commission for the purposes of this section. Any portion of the filing fee that is received from any utility and is not expended by the commission for the purposes of this section shall be returned to the utility.