

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

1. Opening time flexible. Except in municipalities of population less than 100, the polls must be opened no earlier than 6 a.m. and no later than 9 a.m. on election day; except that in municipalities with a population of less than 4,000, the polls must be opened no later than 10:00 a.m. on election day. The municipal officers of each municipality shall determine the time of opening the polls within these limits.

Effective July 16, 1986.

CHAPTER 581

H.P. 1349 - L.D. 1885

AN ACT Concerning the Court Appointed Special Advocate Program and the Conduct of Court Appointed Special Advocates.

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

Sec. 1. 4 MRSA c. 31 is enacted to read:

CHAPTER 31

COURT APPOINTED SPECIAL ADVOCATE PROGRAM

§1501. Court Appointed Special Advocate Program

There is established within the Judicial Department the Court Appointed Special Advocate Program to provide volunteer lay persons to serve as court appointed special advocates or guardians ad litem under Title 22, section 4005, subsection 1, in child abuse and neglect cases.

§1502. Staff

With the advice and approval of the Court Appointed Special Advocate Advisory Panel, the Chief Judge of the District Court shall appoint a Director of the Court Appointed Special Advocate Program, who shall serve at his pleasure. The Chief Judge of the District Court may also appoint one or more deputy directors, who also shall serve at his pleasure. The Chief Judge of the District Court shall provide necessary clerical assistance to the Court Appointed

Special Advocate Program, within the limit of funds available.

§1503. Court appointed special advocates

The Director of the Court Appointed Special Advocate Program shall recruit the services of qualified persons to serve as volunteer court appointed special advocates. The volunteer court appointed special advocates shall not be considered employees of the State for any purpose and shall receive no compensation, but shall be reimbursed for their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the Administrative Office of the Courts.

§1504. Facilities

The Chief Judge of the District Court shall provide a principal office for the Court Appointed Special Advocate Program and shall arrange for such facilities throughout the State as are necessary and adequate for the court appointed special advocates to conduct their duties.

§1505. Court Appointed Special Advocate Advisory Panel

A Court Appointed Special Advocate Advisory Panel shall be appointed by the Chief Judge of the District Court to set the policy for and monitor the Court Appointed Special Advocate Program. The committee shall include, but not be limited to: The Chief Judge of the District Court or his designee; the State Court Administrator or his designee; the Commissioner of Human Services or his designee; and the Attorney General or his designee.

§1506. Immunity from civil liability

A person serving as a court appointed special advocate under contract with the Judicial Department is immune from any civil liability for negligent acts described in Title 14, section 8111, subsection 1, performed within the scope of the court appointed special advocate's duties.

Sec. 2. 22 MRSA §4005, sub-§1, as amended by PL 1983, c. 783, §1, is further amended to read:

1. Child; guardian ad litem. The following provisions shall govern guardians ad litem. The term

guardian ad litem is inclusive of lay court appointed special advocates under Title 4, chapter 31.

A. The court, in every child protection proceeding except a request for a preliminary protection order under section 4034 or a petition for a medical treatment order under section 4071, but including hearings on those orders, shall appoint a guardian ad litem for the child. His reasonable costs and expenses shall be paid by the District Court. The appointment shall be made as soon as possible after the proceeding is initiated.

B. The guardian ad litem shall act in pursuit of the best interests of the child. He shall be given access to all reports and records relevant to the case. He shall investigate to ascertain the facts. His investigation shall include, where possible and appropriate, the following:

- (1) Review of relevant mental health records and materials;
- (2) Review of relevant medical records;
- (3) Review of relevant school records and other pertinent materials;
- (4) Interviews with the child with or without other persons present; and
- (5) Interviews with parents, foster parents, teachers, caseworkers and other persons who have been involved in caring for or treating the child.

C. The guardian ad litem may subpoena, examine and cross-examine witnesses and shall make a recommendation to the court.

D. The guardian ad litem shall make a written report of his investigation, findings and recommendations, and shall provide a copy of his report to each of the parties reasonably in advance of the hearing, and to the court on consent of all parties, except that he need not provide a written report prior to a hearing on a preliminary protection order.

E. The guardian ad litem shall make the wishes of the child known to the court if the child has

expressed his wishes, regardless of the recommendation of the guardian ad litem.

F. The guardian ad litem may request the court to appoint legal counsel for him. The District Court shall pay reasonable costs and expenses of his legal counsel.

Effective July 16, 1986.

CHAPTER 582

H.P. 1363 - L.D. 1917

AN ACT to Remove Barriers to the Appropriate Disclosure of Mental Health Information.

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

34-B MRSA §1207, sub-§1, ¶A, as enacted by PL 1983, c. 459, §7, is amended to read:

A. A client, his legal guardian, if any, or, if he is a minor, his parent or legal guardian may give his informed written consent to the disclosure of information; if he has been given the opportunity to review the information sought to be disclosed;

Effective July 16, 1986.

CHAPTER 583

H.P. 1366 - L.D. 1930

AN ACT to Clarify the Education Funding Laws Relating to Reduction of State Aid to School Districts Based on the Receipt of Certain Federal Funds.

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

20-A MRSA §15612, sub-§ 5, ¶¶B and C, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read: