

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

office for 4 years from the first day of the next January and until another is chosen and qualified.

Effective July 16, 1986.

CHAPTER 615

S.P. 864 - L.D. 2178

AN ACT to Extend the Judicial Certification
Procedures to Institutions Housing
Mentally Retarded Persons.

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

34-B MRSA §3872 is enacted to read:

§3872. Treatment of dually diagnosed persons

In the case of a patient who has been admitted to a state mental health institute on a voluntary or involuntary basis and who has also been diagnosed as mentally retarded, the chief administrative officer of the state mental health institute shall, after the patient has been a resident for a period of no more than 6 months, determine whether the patient is capable of giving informed consent to continued hospitalization.

If at that time the chief administrative officer of the state mental health institute determines that the patient is not capable of giving informed consent to continued hospitalization, the patient may be admitted for extended care and treatment only after judicial certification pursuant to the procedures contained in section 5475.

For the purpose of this section the state mental health institutes shall be considered facilities under section 5461, subsection 5.

Effective July 16, 1986.

CHAPTER 616

S.P. 784 - L.D. 1969

AN ACT to Protect the Confidentiality of
Certain Utility Employee Records.

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

35 MRSA §309-A is enacted to read:

§309-A. Utility personnel records

1. Confidential. The following records of public utilities are confidential and except as otherwise provided in subsection 3, are excluded from the books, accounts, papers, records, memoranda, documents and information otherwise available to the commission under this Title and shall not be open to public inspection:

A. Working papers, research materials, records and the examinations prepared for and used specifically in the examination or evaluation of applicants for positions with a public utility;

B. Records containing the following:

(1) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(2) Performance evaluations and personal references;

(3) Information pertaining to the credit worthiness of a named employee;

(4) Information pertaining to the personal history, general character or conduct of members of an employee's immediate family;
or

(5) Complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations or any other information or materials that may result in disciplinary action; or

C. Other information to which access by the general public is prohibited by law.

2. Compliance. Failure or refusal by any public utility or any officer, agent or attorney of any public utility to comply with any order, data request or subpoena calling for the production of those records other than an order issued pursuant to subsection 3,

shall not serve as the basis for any civil or criminal fine, penalty or forfeiture.

3. In camera inspection. Upon request by the commission staff, the Public Advocate or intervenor in a matter before the commission or upon the commission's own motion and for good cause shown, the commission may order a public utility to produce for in camera inspection by the commission or hearing examiner the records designated confidential under subsection 1. The employee whose records are the subject of such a request shall be notified by the commission of such a request and shall be given the opportunity to be heard before an order to produce is issued. If the commission or hearing examiner determines after in camera inspection that a record is reasonably relevant to the matter before it and that production of the record is not unjust or unlawful and that the materiality of the record outweighs any harm to the employee from its disclosure, the commission or hearing examiner may order that the record be made a part of the discovery or evident aspects of the proceedings, subject to such terms and conditions as are just, due consideration being given to the privacy interests of the employee involved.

Effective July 16, 1986.

CHAPTER 617

H.P. 1265 - L.D. 1774

AN ACT to Amend the Revised Maine Securities Act.

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

Sec. 1. 32 MRSA §10302, sub-§1, ¶B, as enacted by PL 1985, c. 400, §2, is amended to read:

B. A broker-dealer who is registered as a broker-dealer under the United States Securities Exchange Act of 1934 and licensed under the securities act of the state in which the broker-dealer maintains its principal place of business and has no place of business in this State, if the broker-dealer offers and sells in this State to persons who are existing customers of the broker-