

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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of any fact stated in the certificate or documents attached to the certificate. The certificate under the seal shall be presumed to be that of the Chief Medical Examiner. A facsimile of the signature of the Chief Medical Examiner imprinted on any certificate described in this subsection shall have the same validity as his written signature and shall be admissible in court.

7. Medical records provided. In any medical examiner case, upon oral or written request of the medical examiner, any individual, partnership, association, corporation, institution or governmental entity which has rendered treatment pertaining to the medical examiner case shall as soon as practicable provide the medical examiner with all medical records pertaining to the person and the treatment provided.

8. Certain information confidential. When in the custody of a medical examiner, contents of suicide notes, reproductions of medical reports and reports compiled by the police incorporated into the file, communications with the Department of the Attorney General, death certificates and any amendments made to the certificates, except for the information for which the medical examiner is responsible, as listed in section 2842, subsection 3, and not ordered "withheld" by the Attorney General, and reports pertaining to cases under investigation by his office shall be confidential.

9. Release of medical examiner's reports. State, county and local agencies and institutions, public and private, in possession of reports of the Office of Chief Medical Examiner shall not release them, but shall refer all the requests to the Office of Chief Medical Examiner. The Office of Chief Medical Examiner need not release medical examiner reports to the public until a next of kin has been contacted.

10. Cooperation with research requests. The Office of Chief Medical Examiner shall cooperate with research requests by supplying abstracted data and copies of reports to interested persons and agencies consistent with the available resources of the office.

Effective September 29, 1987.

## CHAPTER 330

H.P. 964 — L.D. 1293

### AN ACT to Allow the Employment of Part-time Superintendents of Schools.

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

Sec. 1. 20-A MRSA §1055, sub-§8, as amended by PL 1983, c. 806, §12, is repealed and the following enacted in its place:

8. Full-time employment. The entire time of a full-

time superintendent shall be devoted to superintendence in the school supervisory unit which employs the superintendent. A full-time superintendent may perform educational service outside of the supervisory unit with the approval of the commissioner and with the consent of the school board.

Sec. 2. 20-A MRSA §1055, sub-§8-A is enacted to read:

8-A. Part-time employment. A superintendent who is employed as a part-time superintendent shall perform the duties agreed upon between the superintendent and the employing school board, subject to approval by the commissioner.

Effective September 29, 1987.

## CHAPTER 331

S:P. 351 — L.D. 1043

### AN ACT to Ensure Accessibility to Mental Health Services for Deaf Persons.

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

34-B MRSA §3005, as enacted by PL 1985, c. 467, is repealed and the following is enacted in its place:

§3005. Services to persons who are deaf or hearing impaired

1. Accommodations and services. The Bureau of Mental Health shall provide accommodations and services for deaf or hearing impaired persons providing access to mental health programs funded or licensed by the bureau. These accommodations shall include, but are not limited to, the following:

A. Appropriate mental health assessments for deaf clients;

B. Provision of interpreter services for treatment;

C. Education and training for mental health staff providing treatment to deaf persons;

D. Placement of telecommunication devices for the deaf in comprehensive community mental health facilities;

E. Support and training for families with deaf members who experience a mental health problem; and

F. Establishment of a therapeutic residence program for persons who are deaf and in need of residential mental health treatment. The therapeutic residence program shall be operated in conjunction with existing rehabilitation, education, mental health treatment

and housing resources. The therapeutic residence program shall be staffed by individuals trained in mental health treatment and proficient in deaf communication.

2. Report. The Bureau of Mental Health shall prepare a biennial report which describes accommodations and services available and identifies additional service needs and a plan to address these needs. The Bureau Director shall include representatives from deaf communities, families and public and private service agencies in the preparation of the report. The report shall be submitted to the joint standing committee of the Legislature having jurisdiction over human resources by January 15th of every even-numbered year.

Effective September 29, 1987.

## CHAPTER 332

H.P. 270 — L.D. 353

### AN ACT to Prohibit Smoking in Public Areas of Publicly Owned Buildings.

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

22 MRSA §1578-A is enacted to read:

#### §1578-A. Smoking in publicly owned buildings

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

A. "Public area" means any area in which members of the public are allowed.

B. "Publicly owned buildings" means any building owned, leased to or occupied by any state, local or county government or their subdivisions.

C. "Smoking" includes carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off smoke or containing any substance giving off smoke.

2. Prohibition. Notwithstanding section 1580-A, no person may smoke tobacco in any public area of any publicly owned building.

3. Exceptions. The following are exceptions to subsection 2.

A. For any portion of publicly owned buildings which are used exclusively for nonpublic purposes or leased by private organizations, corporations or entities, except as provided in paragraph B, this section does not apply.

B. For any enclosed indoor restaurant or cafeteria or other enclosed indoor area which serves food for consumption on the premises of the publicly owned building, a no smoking area reasonably calculated to address the needs of the nonsmoking public shall be made available. In addition, a sign indicating the policy on seating smokers and nonsmokers shall be prominently displayed at or near the entrance. A sign need not be displayed if a host or hostess seats patrons and indicates verbally at the time of seating the policy of the eating establishment.

C. For civic auditoriums, as defined in Title 28, section 2, smoking may be allowed in the hallways and lobby areas as long as a no smoking area is maintained between the main entrance to the building and one or more doors to the auditorium or area where performances or other events occur.

D. For public proceedings held in publicly owned buildings, section 1578 shall apply.

4. Public employees. If public employees' rights provided in collective bargaining agreements are affected by this section, the employees shall have the right to reopen negotiations for the purpose of bargaining for smoking areas in nonpublic areas of publicly owned buildings.

Effective September 29, 1987.

## CHAPTER 333

S.P. 572 — L.D. 1707

### AN ACT to Clarify the Organization of the Maine Sardine Council.

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

Whereas, the Maine Sardine Council has business meetings scheduled for the summer months this year; and

Whereas, because of seasonal demands in the sardine industry, a quorum is often difficult to attain during the summer months; and

Whereas, this bill will alleviate the difficulty of the council in attaining a quorum so that business may be conducted; 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: