

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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**Sec. 16. Effective date.** The Maine Revised Statutes, Title 12, section 7311, subsection 3, shall take effect January 1, 1990.

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

Effective April 20, 1988, unless otherwise indicated.

## CHAPTER 743

S.P. 994 — L.D. 2628

### AN ACT Relating to Stockholder Initiatives on State Investments in Northern Ireland.

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

5 MRSA §1955 is enacted to read:

#### §1955. Northern Ireland

1. Investigation. The Treasurer of State and the Board of Trustees of the Maine State Retirement System shall review the extent to which United States corporations or their subsidiaries doing business in Northern Ireland, in which the assets of any state pension or annuity fund are invested, adhere to principles of nondiscrimination in employment and freedom of workplace opportunity. In making this determination, the director shall consider, without limitation, the following standards for corporate activity:

A. Increasing the representation of individuals from underrepresented religious groups in the work force, including managerial, supervisory, administrative, clerical and technical jobs;

B. Adequate security for the protection of minority employees both at the workplace and while traveling to and from work;

C. The banning of provocative religious or political emblems from the workplace;

D. Publicly advertising and implementing special recruitment, efforts for all job openings to attract applicants from underrepresented religious groups;

E. Lay-off, recall and termination procedures that do not in practice favor particular religious groupings;

F. The abolition of job reservations, apprenticeship restrictions and differential employment criteria, which discriminate on the basis of religion or ethnic origin;

G. The development of training programs that will prepare substantial numbers of current minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of minority employees;

H. The establishment of procedures to assess, identify and actively recruit minority employees with potential for further advancement; and

I. The appointment of a senior management staff member to oversee the company's affirmative action efforts and the setting up of timetables to carry out affirmative action principles.

The Treasurer of State and the board may use information disseminated by, or surveys or reports of, international, national, independent, state or city agencies if the information, surety or report satisfies the requirements of this section.

2. Corporate adherence. The Treasurer of State and board shall, when necessary, appropriate and consistent with prudent standards for fiduciary practice, initiate and support shareholder petitions or initiatives requiring adherence by the corporation to the standards set forth in subsection 1.

Effective August 4, 1988.

## CHAPTER 744

H.P. 1804 — L.D. 2468

### AN ACT to Promote More Effective Investigations of Child Abuse Allegations in Out-of-Home Settings.

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

**Sec. 1. 22 MRSA §4004, sub-§1, as enacted by PL 1979, c. 733, §18, is amended to read:**

**1. General.** The department may take appropriate action, consistent with available funding, which will help achieve the goals of section 4003 and subchapter XI, including:

- A. Developing and providing services which:
- (1) Support and reinforce parental care of children;
  - (2) Supplement that care; and
  - (3) When necessary, substitute for parental care of children;

B. Encouraging the voluntary use of these and other services by families and children who may need them;

C. Cooperating and coordinating with other agencies, facilities or persons providing related services to families and children; and

D. Establishing and maintaining a Child Protective Services Contingency Fund to provide temporary assistance to families to help them provide proper care for their children.

Sec. 2. 22 MRSA §4004, sub-§2, ¶B, as enacted by PL 1979, c. 733, §18, is amended to read:

B. Promptly investigate all abuse and neglect cases coming to its attention or in the case of out-of-home abuse and neglect investigations, the department shall act in accordance with subchapter XI;

Sec. 3. 22 MRSA §4008, sub-§2, ¶D, as enacted by PL 1979, c. 733, §18, is amended to read:

D. A child named in a record who is reported to be abused or neglected, or his the child's parent or custodian, or the subject of the report, with protection for identity of reporters and other persons when appropriate;

Sec. 4. 22 MRSA §4008, sub-§2, ¶F, as amended by PL 1983, c. 354, §1, is further amended to read:

F. 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 the commissioner's 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; and

Sec. 5. 22 MRSA §4008, sub-§2, ¶G, as enacted by PL 1983, c. 354, §2, is amended to read:

G. Any agency or department involved in licensing or approving homes for, or the placement of, children or dependent adults, with protection for identity of reporters and other persons when appropriate; and

Sec. 6. 22 MRSA §4008, sub-§2, ¶H is enacted to read:

H. The representative designated to provide child welfare services by the tribe of an Indian child as defined by the Indian Child Welfare Act, United States Code, Title 25, Section 1903.

Sec. 7. 22 MRSA §4008, sub-§3, ¶F, as enacted by PL 1985, c. 506, Pt. A, §45, is amended to read:

F. Where the information concerns teachers and other professional personnel issued certificates under Title 20-A, persons employed by schools approved pursuant to Title 20-A or any employees of schools operated by the Department of Educational and Cultural Services, the information shall be disclosed to the Commissioner of Educational and Cultural Services. This paragraph is repealed on June 30, 1989, pending review by the joint standing committee having jurisdiction over audit and program review and unless continued by legislative Act.

Sec. 8. 22 MRSA §4011, sub-§1, as repealed and replaced by PL 1985, c. 819, Pt. A, §§25 and 26, is amended to read:

1. Reasonable cause to suspect. When, while acting in his a professional capacity, an adult who is a medical or osteopathic physician, resident, intern, emergency medical services' person, medical examiner, physician's assistant, dentist, dental hygienist, dental assistant, chiropractor, podiatrist, registered or licensed practical nurse, ~~Christian Science practitioner~~, teacher, guidance counselor, school official, social worker, homemaker, home health aide, medical or social service worker, psychologist, child care personnel, mental health professional, law enforcement official, state fire inspector, municipal code enforcement official or municipal fire inspector knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected, ~~he that person~~ shall immediately report or cause a report to be made to the department.

A. Whenever a person is required to report in his a capacity as a member of the staff of a medical or public or private institution, agency or facility, ~~he that person~~ shall immediately notify either the person in charge of the institution, agency or facility, or his a designated agent, who shall then cause a report to be made. The staff may also make a report directly to the department.

B. Any person may make a report if that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected.

D. When, while acting in his a professional capacity, any person required to report under this section knows or has reasonable cause to suspect that a child has been abused or neglected by a person not responsible for the child, ~~he the person~~ shall immediately report or cause a report to be made to the appropriate district attorney's office, ~~except as provided in subsection 1-A.~~

Sec. 9. 22 MRSA §5005, sub-§1-A is enacted to read:

1-A. Applicability of other definitions. Any terms defined or used in subchapter II, section 4002 or 4021, have the same meaning when used in this subchapter.

Sec. 10. 34-A MRSA §1203, sub-§1, as enacted by PL 1983, c. 459, §6, is amended to read:

1. Establishment. The Office of Advocacy is established within the department to investigate the claims and grievances of committed offenders, informally adjusted juveniles and contract clients, to investigate, in conjunction with the Department of Human Services, as appropriate, allegations of adult and child abuse or neglect in correctional facilities and to advocate for compliance by the department, any correctional facility or any contract agency with all laws, administrative rules and institutional and other policies relating to the rights and dignity of committed offenders, informally adjusted juveniles and contract clients.

Sec. 11. 34-A MRSA §1402, sub-§§7 and 8 are enacted to read:

7. Abuse allegations in correctional facilities. The commissioner shall be responsible for ensuring appropriate intervention and remediation in cases of substantiated abuse and neglect in correctional facilities. The commissioner shall ensure, through inspection at least every 2 years, that all correctional facilities meet applicable federal and state standards relating to the health and safety of clients of these facilities.

8. Allegations of child abuse or neglect in correctional facilities. The commissioner shall be responsible for the investigation of all reports of suspected child abuse or neglect in correctional facilities.

A. These investigations shall be conducted with the Department of Human Services, as appropriate, and, in cases where there are allegations or indications of criminal conduct, with the Department of the Attorney General, as appropriate.

B. The commissioner shall negotiate joint working agreements with the Department of Human Services and the Department of the Attorney General concerning procedures and respective responsibilities for conducting investigations of allegations of child abuse or neglect in correctional facilities.

Sec. 12. 34-B MRSA §1203, sub-§7 is enacted to read:

7. Abuse allegations in state institutions. The commissioner shall be responsible for ensuring appropriate intervention and remediation in cases of substantiated abuse and neglect in state institutions. The commissioner shall ensure, through inspection on a periodic basis, that all state institutions meet appropriate federal and state standards relating to the health, safety and welfare of clients of these institutions.

Sec. 13. 34-B MRSA §1205, sub-§1, as enacted by PL 1983, c. 459, §7, is amended to read:

1. Establishment. The Office of Advocacy is established within the department to investigate the claims and grievances of clients of the department, to investigate with the Department of Human Services, as appropriate, all allegations of adult and child abuse in state institutions and to advocate for compliance by any institution, other facility or agency administered by the department with all laws, administrative rules and institutional and other policies relating to the rights and dignity of clients.

Sec. 14. 34-B MRSA §1205, sub-§3, ¶C and D, as enacted by PL 1983, c. 459, §7, are amended to read:

C. As an information source regarding the rights of all clients, keep itself informed about all laws, administrative rules and institutional and other policies relating to the rights and dignity of the clients and about relevant legal decisions and other developments related to the field of mental health and mental retarded

tion, both in this State and in other parts of the country; and

D. Make and publish reports necessary to the performance of the duties described in this section, except that only the chief advocate may report any findings of the office to groups outside the department, such as legislative bodies, advisory committees to the Governor, boards of visitors, law enforcement agencies and the press; and

Sec. 15. 34-B MRSA §1205, sub-§3, ¶E is enacted to read:

E. Negotiate joint working agreements with the Department of Human Services concerning procedures and respective responsibilities for conducting investigations in state institutions of allegations of abuse pursuant to the Child and Family Services and Child Protection Act, Title 22, chapter 1071.

Sec. 16. Report to the Legislature. The Department of Human Services and the Department of Educational and Cultural Services shall report to the Joint Standing Committee on Audit and Program Review by September 1, 1988 regarding the provisions in place to ensure the confidentiality of information disclosed pursuant to the Maine Revised Statutes, Title 22, section 4008, subsection 3, paragraph F.

Effective August 4, 1988.

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## CHAPTER 745

H.P. 1786 — L.D. 2447

### AN ACT to Revise Exemptions Under the Law Relating to the Commercial Transport of Water.

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

Sec. 1. 22 MRSA §2660-A, sub-§2, as enacted by PL 1987, c. 531, §1, is repealed and the following enacted in its place:

2. Exceptions. The prohibition in this section does not apply to:

A. Any water utility as defined in Title 35-A;

B. Water transported for use in well drilling, construction activities, concrete mixing, swimming pool filling, servicing portable toilets, firefighting, hospital operations, aquaculture, agricultural applications or civil emergencies;

C. Water distilled as a by-product of a manufacturing process; and

D. Water transported from a water source that be-