

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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A. Practice before any Federal Court by any person admitted to practice therein;

B. A person pleading or managing that person's own cause in court;

C. The officer or employee of a corporation, partnership, sole proprietorship or governmental entity, who is not an attorney, but is appearing for that organization in an action cognizable as a small claim under Title 14, chapter 738;

D. A person who is not an attorney, but is representing a municipality under:

- (1) Title 30-A, section 2671, subsection 3;
- (2) Title 30-A, section 4221, subsection 2;
- (3) Title 30-A, section 4452, subsection 1; or
- (4) Title 38, section 441, subsection 2;

E. A person who is not an attorney, but is representing the Department of Environmental Protection under Title 38, section 342, subsection 7;

F. A person who is not an attorney, but is representing the Bureau of Employment Security or the Bureau of Taxation under section 807-A;

G. A person who is not an attorney, but is representing a party in any hearing, action or proceeding before the Workers' Compensation Commission as provided in Title 39, section 110-A; or

H. A person who is not an attorney, but has been designated under Title 34-B, section 1204, subsection 7, to represent the Department of Mental Health and Mental Retardation in Probate Court.

4. Evidence. In all proceedings, the fact, as shown by the records of the Board of Overseers of the Bar, that that person is not recorded as a member of the bar shall be prima facie evidence that that person is not a member of the bar licensed to practice law in the State.

**Sec. 2.** 34-B MRSA §1204, sub-§7 is enacted to read:

**7. Appearance of designated employees in Probate Court.** The commissioner may designate employees of the department to represent the department in Probate Court only in:

A. Matters relating to the performance of duties in uncontested guardianship proceedings; and

B. Requests for emergency guardianships arising from the need for emergency medical treatment.

See title page for effective date.

## CHAPTER 266

H.P. 391 - L.D. 522

### An Act to Amend Disorderly Conduct Offenses

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

**17-A MRSA §501, sub-§1, ¶C**, as enacted by PL 1981, c. 37, §2, is amended to read:

C. Engaging in fighting, ~~after having been ordered by a law enforcement officer to cease fighting with~~ out being licensed or privileged to do so;

See title page for effective date.

## CHAPTER 267

S.P. 193 - L.D. 430

### An Act to Allow Health Care Practitioners to Report Burn Injuries Requiring Medical Attention to the Office of the State Fire Marshal

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

**25 MRSA §2415** is enacted to read:

#### **§2415. Reporting by health care practitioner**

**1. Reasonable cause to suspect; information disclosed.** A health care practitioner, as defined by Title 24, section 2502, subsection 1-A, who, as a result of the practitioner's examination or treatment of a person for a burn injury, has reasonable cause to suspect that the burn injury was sustained in connection with an act of arson, may report to the Office of the State Fire Marshal. The health care practitioner's report may include the name and address of the person examined or treated, the basis for the practitioner's suspicion and other information which, in the judgment of the practitioner, may aid in investigation by the Office of the State Fire Marshal.

**2. Immunity.** A health care practitioner who, acting in good faith in reporting under this section or participating in a related investigation or proceeding, makes a report pursuant to subsection 1 is immune from civil or criminal liability for the act of reporting or participating in a related investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false. Nothing in this section may be construed to bar criminal or civil action regarding perjury.

**3. Presumption of good faith.** In a proceeding regarding immunity from liability, there shall be a rebuttable presumption that a report made under subsection 1 was made in good faith.