

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.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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 without 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.

4. Privileged or confidential communications. The physician-patient privilege under the Maine Rules of Evidence is abrogated in relation to a report authorized under subsection 1.

See title page for effective date.

CHAPTER 268

S.P. 178 - L.D. 335

An Act to Strengthen the Social Worker Training and Education Requirements

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

Sec. 1. 22 MRSA c. 1063 is enacted to read:

CHAPTER 1063

SOCIAL WORKERS' AND CASEWORKERS' TRAINING

§3911. Training plan

The department shall develop a training plan for persons employed in social worker and caseworker job classifications. The department shall establish the goals and objectives of the plan. The department shall also establish goals and objectives for each course and training program that must be designed to meet the goals and objectives of the plan. The plan shall include, but is not limited to:

1. Differentiation of training to meet specific needs.

Courses and training programs designed to meet the specific needs of social workers and caseworkers engaged in different activities based on the different responsibilities of these social workers and caseworkers;

2. Mandatory training. Courses and training programs designed to meet the specific needs of social workers and caseworkers for which successful completion shall be mandatory;

3. Optional training. Optional courses and training programs for social workers and caseworkers;

4. Assessment and investigation. Courses and training programs in assessment and investigation that shall be mandatory for social workers and caseworkers who conduct investigations or assessments involving clients of the department that may result in the filing of civil or criminal actions;

5. Sources of training. A description of courses and training programs that departmental staff will conduct and a description of courses and training programs to be conducted by persons outside the department;

6. Evaluation procedure. An evaluation procedure by which the effectiveness of the courses and training pro-

grams can be determined. The department, to the greatest possible extent, will use objective criteria to conduct evaluations of courses and training programs; and

7. Equivalent training. Provisions for the waiver of training programs and courses for social workers and caseworkers with equivalent training or training that exceeds the training requirements in the plan.

§3912. Implementation

The department shall establish a schedule governing successful completion of course and training requirements for newly employed social workers and caseworkers of the department and a schedule for all other social workers and caseworkers currently employed by the department.

§3913. Report

The department shall report to the joint standing committee of the Legislature having jurisdiction over human resource matters and the joint standing committee of the Legislature having jurisdiction over state and local government regarding the training plan and any findings and recommendations, including any necessary implementing legislation of the department, no later than January 3, 1990. The report shall include a statistical analysis of social workers who have taken and completed various courses and training programs provided by the department or by agencies, organizations, or persons outside the department.

Sec. 2. 32 MRSA §7030, sub-§5 is enacted to read:

5. Continuing educational requirements. The board may establish continuing educational requirements as the board deems necessary. In developing these requirements, the board shall consider training requirements for social workers who are required to conduct investigations or assessments which may lead to the filing of civil or criminal actions.

See title page for effective date.

CHAPTER 269

S.P. 155 - L.D. 275

An Act to Strengthen the Regulation of Insurance

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

Sec. 1. 24 MRSA §2323, as repealed and replaced by PL 1979, c. 558, §4, is amended to read:

§2323. Order

The superintendent shall issue his an order or decision within 30 days after the close of the hearing, or of any rehearing or reargument or within such other period as the