

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

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

Whereas, those people are currently not able to call themselves social workers, a title which is necessary for the performance of their jobs; 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:

Sec. 1. 32 MRSA §7053-A, sub-§4, as enacted by PL 1985, c. 736, §12, is amended to read:

4. Licensed social worker. A licensed social worker may:

A. Engage in psychosocial evaluation, excluding the diagnosis and treatment of mental illness, and conduct basic data gathering of records and specific life issues of individuals, groups and families, assess this data and formulate and implement a plan to achieve specific goals related to specific life issues;

B. Serve as an advocate for clients or groups of clients for the purpose of achieving specific goals relating to specific life issues;

C. Refer clients to other professional services;

D. Plan, manage, direct or coordinate social services; and

E. Participate in training and education of social work students from an accredited institution and supervise other licensed social workers.

A licensed social worker shall not engage in the private practice of social work, diagnose mental illness and emotional disorders or provide psychotherapy. A licensed social worker with less than 2 years' experience must receive consultation from either a licensed master social worker, a licensed clinical social worker or a certified social worker-independent practice in a manner to be prescribed by the board on a group or individual basis 4 hours a month. Licensed social workers in health care facilities licensed by the Department of Human Services shall receive consultation on a quarterly basis in a manner prescribed by the department. The department staff giving consultation to intermediate care facilities must be on the master or clinical level by January 1, 1993.

Notwithstanding the provisions of this subsection, licensed social workers employed by the Department of Human Services shall receive consultation in a manner to be prescribed by the department.

State agencies employing social workers shall be responsible for providing supervision necessary for those social workers to maintain their licenses.

Sec. 2. 32 MRSA §7054-A, 5th ¶, as amended by PL 1987, c. 537, is repealed.

Sec. 3. 32 MRSA §7054-B is enacted to read:

§7054-B. State employees

Any person who is, and was as of February 1, 1988, employed by the State in a position in which representation is made to the public that the person is a social worker or in which the title of social worker is used may be licensed as a social worker by the board without meeting the qualifications of section 7053 and without examination. A person seeking to qualify under this section shall demonstrate to the board that the person did not submit an application under section 7054-A by February 1, 1988, due to a good faith failure to understand or know of the requirements of that section.

Sec. 4. Sunset. The Maine Revised Statutes, Title 32, section 7054-B is repealed on October 1, 1989.

Sec. 5. Retroactivity. Section 3 of the bill shall take effect retroactively to February 1, 1988.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except that section 2 shall take effect on October 1, 1989.

Effective June 14, 1989, unless otherwise indicated.

CHAPTER 297

H.P. 883 - L.D. 1227

An Act to Amend the Maine Administrative Procedure Act

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

Sec. 1. 5 MRSA §8051, as enacted by PL 1977, c. 551, §3, is amended to read:

§8051. Adoption of rules of practice

In addition to other rule-making requirements imposed by ~~statute law~~, each agency shall adopt rules of practice governing the conduct of adjudicatory proceedings, licensing proceedings and the rendering of advisory rulings, except to the extent that such rules are provided by ~~statute law~~. Any agency rule of practice which imposes a time period or deadline for the filing of any submission or for the service of any paper shall provide that filing or service is complete:

1. Upon an agency. Upon an agency, when the agency receives the submission or the paper by mail, in-hand delivery or any other means specified by the agency; or

2. Upon a party. Upon a party, when the paper is mailed to the party or the party's attorney, upon in-hand

delivery to the recipient or by delivery to the recipient's office.

Sec. 2. 5 MRSA §9051, sub-§3 is enacted to read:

3. Filing and service. The filing of any submission in any adjudicatory proceeding or the service of any paper on a party to an adjudicatory proceeding is complete:

A. Upon an agency when the agency receives the submission or the paper by mail, in-hand delivery or any other means specified by the agency; or

B. Upon a party upon mailing of the paper to the party or the party's attorney, upon in-hand delivery to the recipient or by delivery to the recipient's office.

See title page for effective date.

CHAPTER 298

H.P. 847 - L.D. 1179

An Act Concerning the Rights of a Father to Bring a Paternity Action

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

Sec. 1. 19 MRSA §272, first ¶, as amended by PL 1985, c. 652, §4, is further amended to read:

Paternity may be determined upon the complaint of the mother, alleged father, child or the public authority chargeable by law with the support of the child. If paternity has been determined or has been acknowledged according to the laws of this State, the liabilities of the father may be enforced in the same or other proceedings by the mother, child or the public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, necessary support or funeral expenses, and by other persons including private agencies to the extent that they have furnished the reasonable expenses of pregnancy, confinement, education, necessary support or funeral expenses. Aid to Families with Dependent Children benefits expended, pursuant to Title 22, chapter 1053, on behalf of the mother by the public authority shall be considered necessary support for the child.

Sec. 2. 19 MRSA §280-A, as enacted by PL 1985, c. 652, §9, is amended to read:

§280-A. Rebuttal of presumption

An alleged father or a mother may rebut the presumption of paternity contained in section 280, subsection 1, paragraph D, by clear and convincing evidence.

See title page for effective date.

CHAPTER 299

H.P. 830 - L.D. 1162

An Act Regarding Sludge Spreading

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

Whereas, the stockpiling of wet sludge is insufficiently regulated to protect the health and safety of the public; and

Whereas, wet sludge is currently being stockpiled without a certain day by which it shall be spread; 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:

38 MRSA §1304, sub-§13-A is enacted to read:

13-A. Pulp and paper mill sludge; land spreading. The provisions of this section apply only to land spreading and related storage of sludge generated at industrial facilities utilizing kraft wood pulping processes.

A. Subject to Title 5, section 9051-A, the board shall adopt provisions for public notification prior to use of individual utilization sites and storage sites. Notice to individuals shall be made by certified mail.

B. The board shall establish, by rule, requirements for the siting, preparation of the site and operation of facilities, including stockpiles, used for the storage of sludge for a period of more than 30 days. The board shall incorporate the following provisions:

(1) The maximum storage period at facilities without impervious liners and leachate collection and treatment is 6 months. The board may waive this requirement on a case-by-case basis for a maximum of 2 additional months when the applicant has demonstrated that the storage facility is inaccessible or that utilization of the stored material would be in violation of any prohibition of land spreading on frozen, snow-covered or saturated ground.

(2) Sludge storage sites shall not be located within 300 feet of a year-round river, stream, brook or pond nor within 75 feet of any intermittent stream or brook or any natural drainage way, including gullies, swales and ravines.