

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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**

---

agreements, unauthorized vehicles will be ticketed. An owner of private off-street parking who fails to arrange for private enforcement or to enter into an agreement with a law enforcement agency commits a civil violation for which a forfeiture of not less than \$50 may be adjudged.

Under these agreements, public law enforcement officials may ensure that parking spaces designated for the handicapped are used appropriately by handicapped persons, whether the designated handicapped parking spaces are located on public lots or on private lots open to the public. Handicapped parking restrictions in private lots may also be enforced by county or municipal volunteer parking enforcement specialists as provided in sections 471 and 472.

Where service facilities are established on the Maine Turnpike and on the interstate highway system in the State, the State Police shall enforce any handicapped parking restrictions at those facilities.

(3) Any vehicle or motorcycle parked in a parking space clearly marked as a handicapped parking space and which does not bear a special registration plate or placard issued under Title 29, ~~sections~~ section 252, 252-A ~~and~~ or 252-C, or a similar plate issued by another state, shall be cited for a forfeiture of not less than \$50. "Clearly marked" includes painted signs on pavement and vertical standing signs which are visible in existing weather conditions.

See title page for effective date.

---



---

## CHAPTER 395

H.P. 1138 - L.D. 1581

### An Act to Limit Municipalities' Responsibility to Reopen an Abandoned Road

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

**23 MRSA §3028**, as amended by PL 1979, c. 629, is further amended to read:

#### §3028. Abandonment of public ways

It shall be prima facie evidence that a town or county way ~~established prior to January 1, 1946, and~~ not kept passable for the use of motor vehicles at the expense of the municipality or county for a period of 30 or more consecutive years ~~next prior to January 1, 1976,~~ has been discontinued by abandonment. A presumption of abandonment may be

rebutted by evidence that manifests a clear intent by the municipality or county and the public to consider or use the way as if it were a public way. A proceeding to discontinue a town or county way shall not prevent or estop a municipality from asserting a presumption of abandonment. No municipality or its officials shall be liable for nonperformance of a legal duty with respect to such ways if there has been a good faith reliance on a presumption of abandonment. Any person affected by a presumption of abandonment, including the State or a municipality, may seek declaratory relief to finally resolve the status of such ways. A way that has been abandoned under this section shall be relegated to the same status as it would have had after a discontinuance pursuant to section 3026, except that this status shall be at all times subject to an affirmative vote of the legislative body of the municipality within which the way lies making that way an easement for recreational use. A presumption of abandonment is not rebutted by evidence which shows isolated acts of maintenance, unless other evidence exists which shows a clear intent by the municipality or county to consider or use the way as if it were a public way.

See title page for effective date.

---



---

## CHAPTER 396

H.P. 1135 - L.D. 1578

### An Act Concerning School Social Workers

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

**Sec. 1. 20-A MRSA §4008, sub-§1, ¶A**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. "Client" means a person who has actively sought or is in the process of seeking professional help from a school counselor or school social worker.

**Sec. 2. 20-A MRSA §4008, sub-§1, ¶C** is enacted to read:

C. "School social worker" means a person who is employed as a school social worker in a school setting and who:

(1) Is licensed as a social worker by the State Board of Social Worker Licensure; or

(2) Possesses a bachelor's degree and has been granted a conditional license from the State Board of Social Worker Licensure.

**Sec. 3. 20-A MRSA §4008, sub-§2**, as amended by PL 1983, c. 485, §21, is further amended to read:

**2. Privileged communication.** A school counselor or school social worker may not be required, except as provided by this section, to divulge or release information gathered during a counseling relation with a client or with the