

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Services; Commissioner of Human Services; ~~and~~ Commissioner of Mental Health and Mental Retardation; and Director of the Division of Community Services.

4. Goals of the council. The goals of the ~~committee~~ council shall be:

A. To encourage a statewide system of coordinated services, which are responsive to the current needs of children and families and which are delivered by a partnership of public, private and nonprofit state level and community based agencies, and to promote access to services by all children and their families who are in need of these services;

B. To evaluate on a continuing basis the allocation of resources to ensure the availability of quality services delivered in a coordinated and efficient manner that is consistent with the needs of children and families; and

C. To continue the development of a comprehensive and coordinated approach to initiation and revision of policy affecting services to children and families.

5. Meetings. The ~~committee~~ council shall meet on a regular basis.

6. Chair. The ~~committee~~ council shall select a chair from among ~~the 4 commissioners~~ its members and the chair shall serve for a term established by the ~~committee~~ council.

7. Subcommittees. The ~~committee~~ council may appoint subcommittees to carry out its work. Subcommittee membership may include representatives of public and private agencies which serve youth and families and other persons with special knowledge of, responsibility for or interest in an area related to the goals of the ~~committee~~ council.

8. Report. The ~~committee~~ council shall report annually to the Legislature on its progress in meeting the goals cited in subsection 4 and its proposals for implementing these same goals in the forthcoming year.

9. Administration. The costs associated with the ~~committee~~ council shall be shared among the members of the ~~committee~~ council. Nothing in this section may be construed to prohibit a member department or division from assigning its employees to serve as staff to the ~~committee~~ council. The Department of Mental Health and Mental Retardation shall serve as fiscal agent for the ~~committee~~ council.

10. Authorization to accept funds. The Department of Mental Health and Mental Retardation may accept, on behalf of the ~~committee~~ council, funds from the Federal Government, from any political subdivision of the State or from any individual, foundation or corpo-

ration and may expend these funds for purposes which are consistent with this section.

See title page for effective date.

CHAPTER 730

S.P. 833 - L.D. 2141

An Act to Amend Spinal Screening Laws

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

20-A MRSA §6452, sub-§2, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. The school board of school administrative units shall require that students in the public schools be screened to determine if any student has a postural defect. The screening shall be performed by personnel who are approved by the Commissioner of Human Services for this purpose. Screening for postural defects shall be performed ~~at least once annually in grades 5 to 8~~ as specified in the rules promulgated by the Department of Human Services.

See title page for effective date.

CHAPTER 731

H.P. 1609 - L.D. 2225

An Act Concerning Investigation of Allegations by the Office of Advocacy

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

Sec. 1. 34-B MRSA §1205, sub-§1, as repealed and replaced by PL 1989, c. 7, Pt. N, §3, is amended to read:

1. Establishment. The Office of Advocacy is established within the department solely 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 on behalf of clients for compliance by any institution, other facility or agency administered, licensed or funded by the department with all laws, administrative rules and institutional and other policies relating to the rights and dignity of clients.

Sec. 2. 34-B MRSA §1205, sub-§3, ¶B, as repealed and replaced by PL 1989, c. 7, Pt. N, §3, is amended to read:

B. Intercede on behalf of these clients with officials of the institutions, facilities and agencies administered, licensed or funded by the department,

except that the Office of Advocacy may refuse to take action on any complaint which it deems to be trivial or moot or for which there is clearly another remedy available;

Sec. 3. 34-B MRSA §1205, sub-§4, as repealed and replaced by PL 1989, c. 7, Pt. N, §3, is amended to read:

4. Access to files and records. The Office of Advocacy, through the chief advocate and the other advocates, has access, limited only by the law, to the files, records and personnel of any institution, facility or agency administered, licensed or funded by the department. All persons with knowledge about an incident related to client care, including client-to-client assault, staff-to-client assault, client-to-staff assault, excessive use of seclusion or mechanical or chemical restraint, incidents stemming from questionable psychiatric and medical practice or any other alleged abuse or neglect, shall immediately report the details of that incident to the Office of Advocacy. A copy of any incident report shall be provided to the Office of Advocacy by the person making the report.

See title page for effective date.

CHAPTER 732

H.P. 1388 - L.D. 1918

An Act to Amend the Laws Affecting the Operations of the Department of the Secretary of State

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

Sec. 1. 3 MRSA §317, sub-§3 is enacted to read:

3. Facsimile copies. The Secretary of State may, by rules adopted pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, establish procedures and fees by which facsimile copies of duly executed reports required by this section may be received and filed with the office of the Secretary of State.

Sec. 2. 3 MRSA §321, sub-§§5 and 6 are enacted to read:

5. Acceptance or rejection of forms. The Secretary of State may prescribe forms for all documents required or permitted to be filed with the office of the Secretary of State and may refuse to accept documents not filed on those forms.

6. Refusal of filing. The Secretary of State may refuse to accept any document that is not legible or that may not be clearly reproduced photographically.

Sec. 3. 13-A MRSA §1301, sub-§1, ¶B, as enacted by PL 1971, c. 439, §1, is amended to read:

B. The address of the registered office of the corporation in this State, and the name of its clerk if a domestic corporation, or its registered agent if a foreign corporation, in this State at such address including the street or rural route number, town or city, ~~county~~ and state; and, in the case of a foreign corporation, the address of its registered or principal office in its jurisdiction of incorporation;

Sec. 4. 13-A MRSA §1301, sub-§2, as repealed and replaced by PL 1987, c. 879, §7, is amended to read:

2. The Secretary of State shall specify by rule the period of time to which the annual report applies as provided in ~~section 1301~~, subsection 3. The information contained in the annual report must be current as of the date the report is signed ~~and delivered to the Secretary of State in accordance with this chapter.~~

Sec. 5. 13-A MRSA §1301, sub-§3, as amended by PL 1989, c. 501, Pt. L, §23, is further amended to read:

3. The annual report must be executed as provided by section 104, except that signing by any one of the president, a vice-president, the secretary, the treasurer or an assistant secretary or any other duly authorized individual, without a 2nd signature, ~~shall~~ may be deemed valid under section 104, subsection 1, paragraph B, subparagraph (2). Subject to rules adopted under section 1303, subsection 4, the report ~~shall~~ must be delivered to the Secretary of State or designee for filing. The annual reports ~~shall~~ must be delivered to the Secretary of State on a staggered basis as defined by the Secretary of State by rule in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The report ~~shall~~ must apply to the 12-month period specified by the Secretary of State. Proof to the satisfaction of the Secretary of State that, prior to the date that penalties become effective for late delivery of annual reports as established by the Secretary of State by rule, the report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, ~~shall be~~ is deemed a compliance with this requirement. One copy of the report, together with the filing fee required by this Act, ~~shall~~ must be delivered for filing to the Secretary of State who shall file the report, if the Secretary of State finds that it conforms to the requirements of this Act. If the Secretary of State finds that it does not so conform, the Secretary of State shall promptly mail or otherwise return the same to the corporation for any necessary corrections, in which event the penalties prescribed by this Act for failure to file such report within the time herein provided ~~shall~~ do not apply, if such report is corrected to conform to the requirements of this Act and returned to the Secretary of State within 30 days from the date on which it was so mailed or otherwise returned to the corporation by the Secretary of State.

See title page for effective date.
