

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**  
December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**  
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**15. State weatherization, conservation and fuel assistance agency.** The Maine State Housing Authority is designated the weatherization, energy conservation and fuel assistance agency for the State and may apply for, receive, distribute and administer federal funds on behalf of the State for weatherization, energy conservation and fuel assistance pursuant to the Weatherization Assistance for Low-income Persons Program administered through the United States Department of Energy and the Low-income Home Energy Assistance Program administered through the United States Department of Health and Human Services in accordance with rules adopted under the Maine Administrative Procedure Act; and

**Sec. 3. 30-A MRSA §4741, sub-§16** is enacted to read:

**16. Certification of bonds.** The director of the Maine State Housing Authority is the State's designee to certify to the United States Secretary of the Treasury that housing-related bonds issued in the State satisfy the applicable ceiling requirements of the federal Internal Revenue Code.

**Sec. 4. Legislative intent.** It is the intent of the Legislature that this Act be construed as correcting an error resulting from the recodification of the Maine Revised Statutes, Title 30 by enacting in Title 30-A language that was intended to be carried over from Title 30 as part of the recodification.

**Sec. 5. Ratification.** All certifications that housing-related bonds issued in the State satisfy the applicable ceiling requirements of the federal Internal Revenue Code made by the director of the Maine State Housing Authority between February 28, 1989 and the effective date of this Act are ratified and validated.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective February 21, 1992.

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## CHAPTER 630

S.P. 656 - L.D. 1732

### An Act to Require Certain Disclosures in Adoptions and to Provide Additional Protective Services for Children

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

**Sec. 1. 19 MRSA §533**, as amended by PL 1989, c. 818, §2, is repealed and the following enacted in its place:

#### §533. Proceedings

**1. Adoption study.** Upon the filing of a petition for adoption of a minor child, unless one of the petitioners is a blood relative of the child or the petitioners have received the child from the Department of Human Services or from a licensed adoption agency, the court shall notify the department, which shall, either through its own workers or through a licensed adoption agency, investigate the conditions and antecedents of the child to determine whether the child is a proper subject for adoption and whether the proposed home is suitable for the child.

**2. Child's background.** The Department of Human Services or licensed adoption agency shall obtain medical or genetic information on the biological parents and child and whatever information may be reasonably available regarding the child's background and history that pertains to serious sexual, emotional or physical abuse of or harm to the child. This information must be filed with the court and, if it appears that the adoption will be granted and this information has not previously been made available to the adoptive parents pursuant to Title 22, section 4008, subsection 3, paragraph G or Title 22, section 8205, the court shall make the information available to the adoptive parents, prior to issuing the decree pursuant to subsection 6, with protection for the identity of persons other than the child.

**3. Probationary period.** The court may require that the child live for one year in the home of the petitioners before the petition is granted and that the child, during all or part of this probationary period, be under the supervision of the Department of Human Services or a licensed adoption agency.

**4. Guardian ad litem.** The court may appoint a guardian ad litem for the child at any time during the proceedings.

**5. Adoption registry.** Before the adoption is decreed, the court shall ensure that the petitioners are informed of the existence of the adoption registry and the services available under Title 22, section 2706-A.

**6. Approval of petition.** If the judge is satisfied of the identity and relations of the parties, of the ability of the petitioners to bring up and educate the child properly, having reference to the condition of the child's biological parents, and of the fitness and propriety of the adoption, the judge shall make a decree setting forth the facts and declaring that from that date the child is the child of the petitioners and that the child's name is changed, without requiring public notice of that change.

**7. Birth record.** A certified copy of the birth record of the child proposed for adoption must be presented with the petition for adoption, provided the certified copy can be obtained or made available by filing a delayed birth registration. After the adoption has been

decreed, the register of probate shall file a certificate of adoption with the State Registrar of Vital Statistics on a form prescribed and furnished by the state registrar.

The petitioners shall furnish with the petition such information as the State Registrar of Vital Statistics requires, on a form prescribed and furnished by the state registrar, and shall certify to the truth of that information.

The register of probate shall furnish such information from the official court record as the State Registrar of Vital Statistics requires and certify to the court action under the seal of the Probate Court.

When the State Registrar of Vital Statistics receives a certificate of adoption, an annulment or revocation of adoption or an amendment thereof from a court for a person born outside this State, the state registrar shall forward that certificate, annulment, revocation or amendment to the appropriate registration authority in the state of birth.

**Sec. 2. 22 MRSA §4008, sub-§3, ¶E**, as repealed and replaced by PL 1985, c. 506, Pt. A, §44, is amended to read:

E. The Protection and Advocacy Agency for the Developmentally Disabled in Maine protection and advocacy agency for persons with disabilities, as designated pursuant to Title 5, section 19502, in connection with investigations conducted in accordance with Title 5, chapter 964 511. The determination of what information and records are relevant to the investigation shall must be made by agreement between the department and the agency; and

**Sec. 3. 22 MRSA §4008, sub-§3, ¶F**, as amended by PL 1989, c. 700, Pt. A, §89, is further amended to read:

F. When The Commissioner of Education when the information concerns teachers and other professional personnel issued certificates under Title 20-A, persons employed by schools approved pursuant to Title 20-A or any employees of schools operated by the Department of Education, the information shall be disclosed to the Commissioner of Education; and

**Sec. 4. 22 MRSA §4008, sub-§3, ¶G** is enacted to read:

G. The prospective adoptive parents. Prior to a child being placed for the purpose of adoption, the department shall disclose fully to the prospective adoptive parents available information regarding the child's medical and genetic background and any reasonably available background or history that pertains to serious sexual, emotional or physical

abuse of or harm to the child, with protection for the identity of persons other than the child.

**Sec. 5. 22 MRSA §8205** is enacted to read:

### **§8205. Disclosure of child's background**

Prior to a child being placed for the purpose of adoption, a child placing agency shall disclose fully to the prospective adoptive parents available information regarding the child's medical and genetic background and any reasonably available background or history that pertains to serious sexual, emotional or physical abuse of or harm to the child, with protection for the identity of persons other than the child.

See title page for effective date.

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## **CHAPTER 631**

**H.P. 1319 - L.D. 1909**

### **An Act to Regulate Certain Warranty Practices for Repairs to Watercraft**

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

**10 MRSA c. 204-B** is enacted to read:

#### **CHAPTER 204-B**

#### **WATERCRAFT MANUFACTURERS, DISTRIBUTORS AND DEALERS**

#### **§1196. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Distributor or wholesaler.** "Distributor" or "wholesaler" means any person who sells or distributes new or used watercraft or engines for watercraft to watercraft dealers or who maintains distributor representatives within this State.

**2. Franchise.** "Franchise" means an oral or written arrangement for a definite or indefinite period in which a manufacturer, distributor or wholesaler grants to a watercraft dealer a license to use a trade name, service mark or related characteristic, and in which there is a community of interest in the marketing of watercraft or engines for watercraft or services related to watercraft at wholesale, retail, leasing or otherwise.

**3. Franchisee.** "Franchisee" means a watercraft dealer to whom a franchise is offered or granted.