

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

method of allocation is effective only for notes or bonds issued after the date the change is approved by the inhabitants of the district.

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

Effective March 23, 1993.

CHAPTER 12

H.P. 241 - L.D. 320

An Act to Extend the Reporting Date of the Task Force on Mental Health Education and Licensure

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

Whereas, the reporting deadline of the Task Force on Mental Health Education and Licensure is February 1, 1993; and

Whereas, the task force requires additional time to complete its work and the deadline must be extended; and

Whereas, this extension must occur before the expiration of the 90-day period; 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. PL 1991, c. 781, Pt. B, §2, 2nd ¶, last sentence is amended to read:

The task force shall convene no later than August 1, 1992 and issue its final report, with statutory recommendations, no later than ~~February~~ May 1, 1993 to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters, the joint standing committee of the Legislature having jurisdiction over human resources matters and the advisory boards and commissions with jurisdiction over substance abuse and mental health.

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

Effective March 23, 1993.

CHAPTER 13

S.P. 251 - L.D. 770

An Act to Amend the Confidentiality Provisions of the Maine Juvenile Code

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

Whereas, Medicaid funds for services to juveniles served by the Department of Corrections may not be made available unless the Department of Corrections is permitted to provide presently confidential information to the Department of Human Services; 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. 34-A MRSA §3003, sub-§1, as amended by PL 1991, c. 314, §27, is further amended to read:

1. Limited disclosure. All orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any person receiving services from the department, must be kept confidential and may not be disclosed by any person, except that criminal history record information may be disseminated in accordance with Title 16, chapter 3, subchapter VIII, and documents, other than those documents pertaining to information obtained by the department for the purpose of evaluating a client's ability to participate in a community-based program or from informants in a correctional or detention facility for the purpose of determining whether facility rules have been violated, or a victim's request for notice of release, may be disclosed:

A. To any person, if the person receiving services, that person's legal guardian, if any, or, if that person is a minor, that person's parent or legal guardian, gives informed written consent to the disclosure of the documents referred to in this subsection after being given the opportunity to review the documents sought to be disclosed;

B. To any state agency if necessary to carry out the statutory functions of that agency;

C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule 503; and

D. To any criminal justice agency if necessary to carry out the administration of criminal justice, the administration of juvenile criminal justice or for criminal justice agency employment.

Notwithstanding any other provision of law, the department may release the names, dates of birth and social security numbers of juveniles receiving services from the department and, if applicable, the Medicaid eligibility numbers and the dates on which those juveniles received Medicaid services to the Bureau of Medical Services and the Bureau of Income Maintenance within the Department of Human Services for the sole purpose of determining eligibility and billing for Medicaid services provided by or through the department. Department of Human Services personnel must treat this information as confidential in accordance with federal and state law. This paragraph does not authorize the department to release client treatment plans, psychological profiles or criminal records to the Department of Human Services.

Sec. 2. 34-A MRSA §3003, sub-§1-A is enacted to read:

1-A. Expenditure of funds for Maine Youth Center. General Fund revenues equivalent to funds generated from billing for Medicaid services provided by or through the department must be expended for Maine Youth Center activities and in support of those activities. All funds received from reimbursement for Medicaid services provided by or through the department must be credited to General Fund undedicated revenue in fiscal year 1992-93.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1992-93

CORRECTIONS, DEPARTMENT OF

Maine Youth Center

Personal Services	\$750,000
Provides for the appropriation of funds to meet payroll obligations for the remainder of fiscal year 1992-93.	
Undedicated revenue to the General Fund will be increased by \$750,000 for Medicaid reimbursement.	

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

Effective March 23, 1993.

CHAPTER 14

S.P. 20 - L.D. 10

An Act to Clarify the Enforcement Authority of the Maine Sardine Council

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

Whereas, exports of sardines, kippers and steaks are increasing; and

Whereas, effective quality control is essential to ensure the integrity of the grading program for sardines, kippers and steaks; 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 §4153, as amended by PL 1977, c. 694, §626, is further amended to read:

§4153. License required

No person, firm, corporation, association or society shall pack sardines, kippers or steaks within the State for sale without having first filed with the Commissioner of Agriculture, Food and Rural Resources an application for license, accompanied with a fee of \$50, upon receipt of which application the commissioner shall issue to the person, firm, corporation, association or society making such application a license to pack sardines. Each such license ~~shall cover~~ covers one group of buildings constituting a packing plant in one location. ~~Said~~ The license ~~shall run~~ runs from January 1st and ~~expire~~ expires in a manner consistent with the provisions of the Maine Administrative Procedure Act as to license expiration or on December 31st of each year, whichever is later, unless sooner revoked and ~~shall~~ must be renewed annually thereafter. Before issuing such license or renewing it, the commissioner may by adequate inspection determine that the laws and regulations relating to the packing of sardines, kippers or steaks and the operation of sardine packing plants for sardines, kippers or steaks are being observed.

Sec. 2. 32 MRSA §4166, sub-§§2-A and 4-A are enacted to read:

2-A. Council. “Council” means the Maine Sardine Council, as established by Title 5, section 12004-H, subsection 8, or any person authorized by the Maine Sardine Council to act on its behalf.