

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 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

Sec. B-46. 11 MRSA §4-502 is amended to read:

§4-502. Presentment of "on arrival" drafts

~~When~~ If a draft or the relevant instructions require presentment "~~on arrival~~"; arrival," "when goods arrive" or the like, the collecting bank need not present until in its judgment a reasonable time for arrival of the goods has expired. Refusal to pay or accept because the goods have not arrived is not dishonor; the bank must notify its transferor of ~~such~~ the refusal but need not present the draft again until it is instructed to do so or learns of the arrival of the goods.

Sec. B-47. 11 MRSA §4-503, as amended by PL 1965, c. 306, §13, is further amended to read:

§4-503. Responsibility of presenting bank for documents and goods; report of reasons for dishonor; referee in case of need

Unless otherwise instructed and except as provided in Article 5, a bank presenting a documentary draft:

(1) Must deliver the documents to the drawee on acceptance of the draft, if it is payable more than 3 days after presentment; otherwise, only on payment; and

(2) Upon dishonor, either in the case of presentment for acceptance or presentment for payment, may seek and follow instruction from any referee in case of need designated in the draft or, if the presenting bank does not choose to utilize ~~his~~ the referee's services, it must use diligence and good faith to ascertain the reason for dishonor, must notify its transferor of the dishonor and of the results of its effort to ascertain the reasons therefor, and must request instructions.

~~But~~ However the presenting bank is under no obligation with respect to goods represented by the documents, except to follow any reasonable instructions seasonably received; it has a right to reimbursement for any expense incurred in following instructions and to payment of or indemnity for ~~such~~ those expenses.

Sec. B-48. 11 MRSA §4-504 is amended to read:

§4-504. Privilege of presenting bank to deal with goods; security interest for expenses

(1) A presenting bank ~~which that~~, following the dishonor of a documentary draft, has seasonably requested instructions but does not receive them within a reasonable time may store, sell or otherwise deal with the goods in any reasonable manner.

(2) For its reasonable expenses incurred by action under subsection (1) the presenting bank has a lien upon

the goods or their proceeds, which may be foreclosed in the same manner as an unpaid seller's lien.

See title page for effective date.

CHAPTER 294

H.P. 1031 - L.D. 1383

An Act to Establish Multidisciplinary Reviews of Child Abuse and Neglect Fatalities and Serious Injuries and to Provide Access to Confidential Information for the Multidisciplinary Reviews

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

Sec. 1. 22 MRSA §4004, sub-§1, ¶¶C and D, as enacted by PL 1979, c. 733, §18, are amended to read:

C. Cooperating and coordinating with other agencies, facilities or persons providing related services to families and children; ~~and~~

D. Establishing and maintaining a Child Protective Services Contingency Fund to provide temporary assistance to families to help them provide proper care for their children; ~~and~~

Sec. 2. 22 MRSA §4004, sub-§1, ¶E is enacted to read:

E. Establishing a child death and serious injury review panel for reviewing deaths and serious injuries to children. The panel consists of the following members: the Chief Medical Examiner, a pediatrician, a public health nurse, forensic and community mental health clinicians, law enforcement officers, departmental child welfare staff, district attorneys and criminal or civil assistant attorneys general.

The purpose of the panel is to recommend to state and local agencies methods of improving the child protection system, including modifications of statutes, rules, policies and procedures.

Sec. 3. 22 MRSA §4008, sub-§2, ¶E, as amended by PL 1989, c. 118, is further amended to read:

E. A person having the legal responsibility or authorization to educate, care for, evaluate, treat or supervise a child, parent or custodian who is the subject of a record, or a member of a panel appointed by the department to review child deaths and serious injuries. This shall include includes a member of a treatment team or group convened to plan for or treat a child or family ~~which that~~ is the subject of a record. This may also include a mem-

ber of a support team for foster parents, if that team has been reviewed and approved by the department;

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

3-A. Confidentiality. The proceedings and records of the child death and serious injury review panel created in accordance with section 4004, subsection 1, paragraph E are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commissioner shall disclose conclusions of the review panel upon request, but may not disclose data that is otherwise classified as confidential.

Sec. 5. 22 MRSA §4021, sub-§1, ¶A, as enacted by PL 1979, c. 733, §18, is amended to read:

A. Issue subpoenas requiring persons to disclose or provide to the department information or records in their possession ~~which~~ that are necessary and relevant to an investigation of a report of suspected abuse or neglect ~~or~~, to a subsequent child protection proceeding or to a panel appointed by the department to review child deaths and serious injuries.

(1) The department may apply to the District Court to enforce a subpoena.

(2) A person who complies with a subpoena is immune from civil or criminal liability that might otherwise result from the act of turning over or providing information or records to the department; and

See title page for effective date.

CHAPTER 295

H.P. 945 - L.D. 1274

An Act to Maintain Confidentiality of Medical Information Reported to the Department of Human Services

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

Sec. 1. 22 MRSA §42, sub-§5 is enacted to read:

5. Confidentiality of records containing certain medical information. Department records that contain personally identifying medical information that are created or obtained in connection with the department's public health activities or programs are confidential. These records include, but are not limited to, information on genetic, communicable, occupational or environ-

mental disease entities, and information gathered from public health nurse activities, or any program for which the department collects personally identifying medical information.

The department's confidential records may not be open to public inspection, are not public records for purposes of Title 1, chapter 13, subchapter I and may not be examined in any judicial, executive, legislative or other proceeding as to the existence or content of any individual's records obtained by the department.

Exceptions to this subsection include release of medical and epidemiologic information in such a manner that an individual can not be identified; disclosures that are necessary to carry out the provisions of chapter 250; disclosures made upon written authorization by the subject of the record; and disclosures that are specifically provided for by statute or by departmental rule.

See title page for effective date.

CHAPTER 296

H.P. 936 - L.D. 1259

An Act to Amend the Natural Resources Protection Laws

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

Whereas, the Department of Environmental Protection has on file dredge spoils test results; and

Whereas, this Act eliminates the requirement that an applicant wait one year after filing the results of these tests before an applicant may apply for a dredge spoils permit; and

Whereas, applicants will be able to apply for a permit immediately; 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. 38 MRSA §480-B, sub-§10, as amended by PL 1991, c. 693, §1, is further amended to read:

10. Significant wildlife habitat. "Significant wildlife habitat" means the following areas to the extent that they have been mapped by the Department of Inland