

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

and must be given access to the personnel, but not personnel records. The chief advocate of the Department of Mental Health and Mental Retardation may release to the Consumer Advisory Board information pertaining to alleged abuse, exploitation or neglect or an alleged dehumanizing practice or violation of rights of a person with mental retardation or autism. The Consumer Advisory Board shall keep any confidential information disclosed to it or discovered by it confidential, as required by section 1207.

**4. Repeal.** This section is repealed one year after the United States District Court releases the State from all obligations under the community consent decree, *Consumer Advisory Board et al. v. Glover*, No. 91-321-P-C (D. Me., September 28, 1994).

See title page for effective date.

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## CHAPTER 128

S.P. 261 - L.D. 697

### An Act Governing Privileged Communications between Victims of Domestic Violence and Their Advocates

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

**Sec. 1. 16 MRSA §53-B** is enacted to read:

**§53-B. Privileged communications to victim advocate; family violence**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advocate" means an employee of or volunteer for a nongovernmental program for victims of domestic or family violence who:

(1) Has undergone at least 30 hours of training; and

(2) As a primary function with the program gives advice to, counsels or assists victims, supervises employees or volunteers who perform that function or administers the program.

B. "Victim" means a victim of domestic or family violence.

**2. Privileged communication.** Communications are privileged from disclosure as follows.

A. A victim may refuse to disclose and may deny permission to an advocate to disclose con-

fidential written or oral communications between the victim and the advocate and written records, notes, memoranda or reports concerning the victim.

B. Except as provided in subsection 3, a victim, advocate or advocate's agency may not be required through oral or written testimony or through production of documents to disclose to a court in criminal or civil proceedings or to any other agency or person confidential communications between the victim and the advocate.

**3. Exceptions.** A person may not be required to publicly disclose the address or location of a domestic or family violence shelter or safe house, except that privileged communications may be disclosed in the following cases:

A. When disclosure is required under Title 22, chapter 1071 and that disclosure is in accordance with the provisions of that chapter;

B. When a court in the exercise of its discretion determines the disclosure of the information necessary to the proper administration of justice, an inspection of records may be held in camera by the judge to determine whether those records contain relevant information. This proceeding does not entitle an opposing party to examine the records unless those records are made available by the court; or

C. When a victim dies or is incapable of giving consent and disclosure is required for an official law enforcement investigation or criminal proceeding regarding the cause of that victim's death or incapacitation.

See title page for effective date.

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## CHAPTER 129

H.P. 565 - L.D. 766

### An Act to Allow the Submetering of Electric Rates in Campgrounds

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

**Sec. 1. 35-A MRSA §313** is enacted to read:

**§313. Submetering permitted in campgrounds**

A campground owner or operator may submeter electric service to campground sites within the campground in accordance with this section, as long as electric service is not provided to any particular

submeter user for a period greater than 6 consecutive months.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Campground" means a recreational camping park where fees are charged for the recreational use of the park and that can accommodate 10 or more temporary living quarters, including but not limited to tents, recreational vehicles, trailers, vans, pickup campers and motor homes.

B. "Submeter user" means any person using a campground site on which a campground owner or operator has installed a submeter.

**2. Charges.** A campground owner or operator may charge a submeter user only for kilowatt hours used by that submeter user. The charge that a campground owner or operator may charge a submeter user for electric service may not exceed the kilowatt usage of the submeter user multiplied by the rate per kilowatt hour that the campground owner or operator is charged by the electric utility.

**3. Nontaxable event.** The collection of charges under this section for submetered electric service is not a sale for the purposes of taxation.

**4. Interpretation; not resale.** A submeter user is not a customer of the electric utility providing service to the master-metered campground owner or operator. For purposes of this Title, a submeter user is not a customer of the campground owner or operator. Nothing in this section permits the resale of electricity by a campground owner or operator.

See title page for effective date.

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## CHAPTER 130

S.P. 286 - L.D. 774

### An Act to Make Revisions to the Uniform Interstate Family Support Act

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

**Whereas,** the 116th Legislature enacted the Uniform Interstate Family Support Act in 1994 with the understanding that additional clarifications would need to be made before the July 1, 1995 effective date; 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. 19 MRSA §423, sub-§3, ¶¶C and D,** as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, are amended to read:

C. An individual petitioner in this State or the Department of Human Services, which is the support enforcement agency of this State, may file a petition with ~~an initiating~~ a tribunal in another state that has or can obtain personal jurisdiction over the respondent.

D. An individual petitioner in this State may file a petition with the Department of Human Services, which is the support enforcement agency of this State, ~~or with the court in this State.~~ The resulting order may be forwarded to a responding tribunal in another state.

**Sec. 2. 19 MRSA §423, sub-§3, ¶E** is enacted to read:

E. The Department of Human Services, which is the support enforcement agency of this State, may file a petition with the court in this State for forwarding to a tribunal in another state.

**Sec. 3. 19 MRSA §423-F, sub-§3,** as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is amended to read:

**3. No attorney or fiduciary relationship.** This Act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

**Sec. 4. 19 MRSA §423-R,** as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is amended to read:

#### **§423-R. Receipt and disbursement of payments**

The support enforcement agency ~~or a tribunal~~ of this State shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency ~~or tribunal~~ shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.