

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

J.S. McCarthy Company
Augusta, Maine
1995

F. In subchapter II, section 9, first sentence, the words "subject to the approval of the superintendent";

G. In subchapter II, section 9, paragraph B in its entirety;

H. In subchapter II, section 10, paragraph C, subparagraph (2), the words "by Title 24-A, section 2367 or";

I. In subchapter II, section 10, paragraph H, the words "pursuant to Title 24-A, section 2367";

J. In subchapter II, section 13, paragraphs A, C, D and E;

K. In subchapter II, section 14 in its entirety; and

L. In subchapter II, section 15 in its entirety.

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

Effective June 23, 1995.

CHAPTER 290

H.P. 364 - L.D. 484

An Act Concerning Grandparents' Rights of Visitation and Custody

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

Sec. 1. 19 MRSA §1002, sub-§1, as amended by PL 1993, c. 686, §4 and affected by §13, is further amended to read:

1. Grandparent. "Grandparent" is the biological or adoptive parent of the child's biological or adoptive parent. "Grandparent" ~~does not include~~ includes the biological or adoptive parent of a child's biological or adoptive parent ~~who consented to adoption under section 1122 or~~ whose parental rights have been terminated pursuant to section 1114 or Title 22, chapter 1071, subchapter VI, but only until the child's adoption.

Sec. 2. 19 MRSA §1129, sub-§5 is enacted to read:

5. Notice to grandparents granted visitation or access. The department shall notify the grandparents of a child when the child is placed for adoption if the department has received notice that the grandparents were granted reasonable rights of visitation or access under chapter 20 or Title 22, section 4005-B.

Sec. 3. 22 MRSA §4005-B, sub-§1, as enacted by PL 1993, c. 697, §1, is amended to read:

1. Definition. For the purposes of this section, "grandparent" means the biological or adoptive parent of the child's biological or adoptive parent. "Grandparent" ~~does not include~~ includes the parent of a child's parent ~~who consented to adoption or~~ whose parental rights have been terminated, but only until the child is placed for adoption.

Sec. 4. 22 MRSA §4005-B, sub-§6 is enacted to read:

6. Reasonable rights of visitation or access. In any proceeding in which standing and intervenor status have been granted, the grandparent may request the court to grant the grandparent reasonable rights of visitation or access. When a child is placed in the prospective adoptive home and the prospective adoptive parents have signed an adoptive placement agreement, a grandparent's right to contact or have access to the child that was granted pursuant to this chapter is suspended. If the adoption is not final within 18 months of adoptive placement, then the grandparent whose rights of contact or access were suspended may resume, as a matter of right and without further court order, contact with the child in accordance with the order granting that contact or access, unless the court determines, after a hearing, that the contact is not in the child's best interest. A grandparent's rights of visitation or access terminate when the adoption is finalized pursuant to Title 19, section 1129. Nothing in this section prohibits prospective adoptive parents from independently facilitating or permitting contact between a child and a grandparent, especially when rights of contact have been previously ordered by a court.

See title page for effective date.

CHAPTER 291

H.P. 911 - L.D. 1287

An Act to Amend the Probate Code Regarding Conservators

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

Sec. 1. 18-A MRSA §5-410, sub-§(d) is enacted to read:

(d) When appointed by the court, the conservator shall inform the court as to the conservator's residence. If the residence changes, the conservator shall inform the court of that change. If the conservator is a corporation, the corporate offices are consid-

ered the conservator's residence for the purposes of this section.

Sec. 2. 18-A MRSA §5-411, as enacted by PL 1979, c. 540, §1, is amended to read:

§5-411. Bond

The court may require a conservator to furnish a bond conditioned upon faithful discharge of all duties of the trust according to law, with sureties as it ~~shall specify~~ specifies. A conservator who moves out of this State while serving as conservator shall notify the court regarding the change of residence. The court may require a conservator who moves or locates out of this State while serving as conservator to furnish a bond at that time. Unless otherwise directed, the bond ~~shall~~ must be in the amount of the aggregate capital value of the property of the estate in ~~his~~ the conservator's control plus one year's estimated income minus the value of securities deposited under arrangements requiring an order of the court for their removal and the value of any land ~~which that~~ the fiduciary, by express limitation of power, lacks power to sell or convey without court authorization. The court in lieu of sureties on a bond, may accept other security for the performance of the bond, including a pledge of securities or a mortgage of land.

Sec. 3. 18-A MRSA §5-424, sub-§(b-1) is enacted to read:

(b-1) A conservator may remove items of tangible property that are assets of the estate to a location out of this State only with court authorization.

See title page for effective date.

CHAPTER 292

H.P. 845 - L.D. 1176

An Act to Amend the Maine Cancer Registry Law to Require the Reporting of All Cancer Cases to the Department of Human Services

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

Sec. 1. 22 MRSA §1402, as amended by PL 1985, c. 407, §1, is further amended to read:

§1402. Duty of physicians and hospitals

All hospitals and other health care facilities providing screening, diagnostic or therapeutic services with respect to cancer shall report to the Department of Human Services all persons diagnosed as having a malignant tumor no later than 30 days from the date of

diagnosis or ~~from~~ discharge from a hospital. The report ~~shall~~ must include information on the person's usual occupation and industry of employment.

A physician, surgeon or other health care practitioner who diagnoses or provides treatment for cancer patients, upon notification by the Department of Human Services, shall report to the department any further information requested by the department concerning any person now or formerly under ~~his~~ the health care practitioner's care, diagnosed as having or having had a malignant tumor. A physician, surgeon or other health care practitioner who diagnoses or provides treatment for cancer patients is required to report any newly diagnosed cancer case to the department when that patient will not be referred to a reporting facility for diagnosis or treatment.

~~No physician or hospital~~ A facility or individual complying with the reporting requirements of this section ~~shall be~~ is not liable for any civil damages as a result of such acts.

The requirements of this section do not apply to health care practitioners who provide treatment by spiritual means alone.

See title page for effective date.

CHAPTER 293

H.P. 697 - L.D. 955

An Act to Amend the Workers' Compensation Act As It Relates to Incarcerated Individuals

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

Sec. 1. 39-A MRSA §203, sub-§1, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

1. Compensation while incarcerated. Compensation for incapacity under section 212 or 213 or under any prior workers' compensation laws may not be paid to any person during any period ~~in which that person is a sentenced prisoner in actual execution of a term~~ of incarceration imposed in this State or any other jurisdiction ~~for~~ after conviction of a criminal offense, except in relation to compensable injuries suffered during incarceration and while the prisoner is:

- A. Employed by a private employer;
- B. Participating in a work release program;
- C. Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261; or