

# MAINE STATE LEGISLATURE

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

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

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

Family case management officers serve at the pleasure of the Chief Judge of the District Court.

D. Family case management officers shall employ appropriate case management techniques and have jurisdiction to hear and dispose of the following matters:

(1) Interim orders in actions involving the establishment, modification or enforcement of child support;

(2) Interim orders in actions involving divorce, legal separation, paternity or parental rights, including interim orders in post-judgment proceedings arising out of these actions, except that a contested motion concerning interim parental rights and responsibilities, excluding interim child support orders, may be determined by the family case management officer only if both parties consent to determination of the issue or issues in dispute by the family case management officer;

(3) Final orders in any of the matters included in subparagraphs (1) and (2) when the proceeding is uncontested;

(4) Final orders in a contested proceeding when child support is the only contested issue; and

(5) Other actions assigned by the Chief Judge of the District Court.

E. Interim orders in any of the matters included in paragraph D, subparagraphs (1) and (2) are effective immediately and are subject to de novo review by a judge at the final hearing. Final orders in any of the matters included in paragraph D, subparagraphs (3) and (4) are subject to appellate review in the same manner as any final order of the District Court. The family case management officer shall inform the parties of the rights of review established in this paragraph.

2. Additional staff. The State Court Administrator shall provide other necessary staff to the Family Division, within the limits of funds available, and shall seek to take full advantage of federal funding, including reimbursements.

3. Reports. The State Court Administrator shall keep statistical records relating to the cases handled by the Family Division and report this information to the Supreme Judicial Court annually and to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15th of each odd-numbered calendar year.

A. The State Court Administrator shall evaluate the functioning of the family case management officers in providing a system of justice that is responsive to the needs of families and the support of their children in light of the jurisdiction given to the family case management officers under this section. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 1999 with recommendations, if any, for changing the duties provided in subsection 1, paragraph D.

B. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 1999 explaining the justification for the particular geographic assignments of the family case management officers.

**Sec. 2. Effective date.** This Act takes effect January 1, 1998.

Effective January 1, 1998.

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## CHAPTER 270

H.P. 546 - L.D. 737

### An Act to Create a Helper Registration Category, to Exempt Certain Persons from Licensure under the Propane and Natural Gas Act and to Eliminate the Tagging Requirement

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

**Sec. 1. 32 MRSA §14802, sub-§6-A** is enacted to read:

**6-A. Highway transport driver.** "Highway transport driver" means a driver of a tractor-trailer commercial motor vehicle that has a cargo tank with a water capacity of 9,000 gallons or more.

**Sec. 2. 32 MRSA §14807, sub-§§6 and 7** are enacted to read:

**6. Propane and natural gas helper.** A person may not assist a licensed person unless that person first registers with the board as a propane and natural gas helper. A helper may work only under the direct and continuous supervision of a licensed person on-site. A licensed person may supervise no more than 2 helpers at any time.

The board may set a fee for the propane and natural gas helper registration, not to exceed \$40 biennially.

A licensed propane and natural gas technician who does not have the appropriate endorsement specified under this chapter or a person holding a temporary registration as a plant operator or delivery technician, is not required to register as a propane and natural gas helper when assisting a licensed propane and natural gas technician who has the appropriate endorsement to perform a function.

**7. Exceptions.** The licensing provisions of this section do not apply to a highway transport driver who delivers propane to bulk plants or industrial customers.

**Sec. 3. 32 MRSA §14808, sub-§4,** as enacted by PL 1995, c. 389, §4, is amended to read:

**4. Limited operator's license; training.** The on-site owner or operator of a dispensing station must hold a limited operator's license issued biennially by the board. The board shall set by rule the requirements for obtaining the limited license. The holder of the limited license is responsible for training other dispensing station employees and documenting that training.

The training for the limited license must include a manual prepared by a regional propane gas association, a video prepared by a national propane gas association or equivalent materials approved by the board. The training documentation must be kept at the station. ~~The on-site owner or operator of the dispensing station is responsible for compliance and is subject to section 14809.~~

**Sec. 4. 32 MRSA §14809,** as enacted by PL 1995, c. 389, §4, is repealed.

See title page for effective date.

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**CHAPTER 271**

**H.P. 394 - L.D. 539**

**An Act to Clarify the Laws  
Regarding the Board of Licensure in  
Medicine and Ensure That Physician  
Discipline Is Reported to the  
Appropriate Licensing Board**

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

**Sec. 1. 5 MRSA §9057, sub-§6,** as amended by PL 1989, c. 175, §1, is further amended to read:

**6. Confidential information.** Information may be disclosed ~~which~~ that is confidential pursuant to Title 22, chapters 958-A and 1071 and sections 7703 and 1828; Title 24, section 2506; and Title 34-A,

except for information, the disclosure of which is absolutely prohibited under Title 34-A, section 3003. Disclosure may be only for the determination of issues involving unemployment compensation proceedings relating to a state employee, state agency personnel actions and professional or occupational board licensure, certification or registration.

A. For the purpose of this subsection, "hearing officer" means presiding officer, judge, board chairman, arbitrator or any other person ~~deemed~~ considered responsible for conducting a proceeding or hearing subject to this subsection. In the case of the Civil Service Appeals Board, the presiding officer ~~shall be~~ is the entire board. "Employees of the agency" means employees of a state agency or department or members, agents or employees of a board who are directly related to and whose official duties involve the matter at issue.

B. The confidential information disclosed pursuant to this subsection is subject to the following limitations:

(1) The hearing officer determines that introduction of the confidential information is necessary for the determination of an issue before the hearing officer;

(2) During the introduction of confidential information, the proceeding is open only to the hearing officer, employees of the agency, parties, parties' representatives, counsel of record and the witness testifying regarding the information, and access to the information is limited to these people. Disclosure is limited to information directly related to the matter at issue;

(3) Witnesses ~~shall be~~ are sequestered during the introduction of confidential information, except when offering testimony at the proceeding;

(4) The names or identities of reporters of confidential information or of other persons ~~shall~~ may not be disclosed, except when disclosure is ~~deemed~~ determined necessary and relevant by the hearing officer; and

(5) After hearing, the confidential information is sealed within the record and ~~shall~~ may not be further disclosed, except upon order of court.

**Sec. 2. 24 MRSA §2502, sub-§§1-B and 2-A** are enacted to read:

**1-B. Carrier.** "Carrier" has the same meaning as in Title 24-A, chapter 56-A.