

# 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**

A. Information released prior to the completion of the investigation of a report must be limited to a statement that a report is under investigation.

B. If there has been a prior disclosure pursuant to paragraph A, information released in a case in which the report has not been substantiated is limited to the statement that the investigation has been completed and the report has not been substantiated.

C. If the report has been substantiated, information may be released pursuant to subsection 2.

D. The disclosure may not identify or provide any identifying description of the source of the report, and may not identify the name of the abused or neglected child's siblings, the parent or other person legally responsible for the child or any other members of the child's household, other than the subject of the report.

4. Considerations. In determining pursuant to subsection 1 whether disclosure would be contrary to the best interests of the child, the child's siblings or other children in the household, the commissioner shall consider the privacy of the child and the child's family and the effects that disclosure may have on efforts to reunite and provide services to the family.

5. Other releases and disclosure. Except as it applies directly to the cause of the abuse or neglect of the child, nothing in this section authorizes the release or disclosure of the substance or content of any psychological, psychiatric, therapeutic, clinical or medical reports, evaluations or similar materials or information pertaining to the child or the child's family.

See title page for effective date.

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## CHAPTER 329

H.P. 727 - L.D. 991

### An Act to Address Issues Raised by the Select Committee to Study Rate Increases in Nursing Homes

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

**Sec. 1. 22 MRSA §1826, sub-§3,** as enacted by PL 1985, c. 291, §1, is amended to read:

**3. Other contract provisions.** The contract or agreement may contain any other provisions which that do not violate state law or rule or federal law or regulation and that are specifically allowed by the standardized contract under subsection 4.

**Sec. 2. 22 MRSA §1826, sub-§4** is enacted to read:

**4. Standardized contract.** The commissioner shall adopt rules to standardize nursing home contracts for all nursing home residents to clarify the rights and obligations of residents. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

See title page for effective date.

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## CHAPTER 330

H.P. 850 - L.D. 1155

### An Act to Create a Permanent Funding Source for the Saco River Corridor Commission

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

**Sec. 1. 38 MRSA §969** is enacted to read:

#### **§969. Saco River Corridor Fund**

**1. Fund established.** The Saco River Corridor Fund, referred to in this section as the "fund," is established as a nonlapsing dedicated, interest-bearing account. All charges collected pursuant to this section must be deposited into the fund. All interest earned by the account accrues to the fund. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years.

**2. Fund purpose.** The purpose of the fund is to preserve existing water quality and prevent the deterioration of water supplies in the Saco River, the Ossipee River and the Little Ossipee River within the Saco River Corridor, as created in section 953, by partially underwriting the administration and operation of the Saco River Corridor Commission, as established by Title 5, section 12004-G, subsection 13.

**3. Assessment on the sale of water.** For purposes of funding its activities, the commission shall impose a fee of 1% on the sale of water and fire protection services by a water utility that draws water either from the Saco River or from a groundwater source under the influence of the Saco River, as determined by the Department of Human Services, for sale and distribution to its customers. The fee must be levied on the rates of the water utility as authorized by the Public Utilities Commission to be charged for services provided by the utility. "Water utility" has the same meaning as the term is defined in Title 35-A, section 102, subsection 22.

The fee must be collected by the water utility and remitted quarterly to the commission. Notwithstanding any limitations set forth in Title 35-A regarding a water utility's right to increase its charges to its customers, a water utility with sales subject to this subsection is authorized to increase its overall charges for the purpose of collecting the fee set forth in this subsection.

Each water utility may retain a portion of the total fees collected equivalent to the utility's administrative costs incurred in the collection and remission of the fees, not to exceed 2% of the total fees collected. For purposes of the Public Utilities Commission's rate-making authority, costs actually incurred by the utility associated with the collection and remission of the fees for the fund are considered just and reasonable for rate-making purposes.

The commission shall adopt rules that are reasonably necessary to carry out the purposes of this section pursuant to section 954-C. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**4. Reporting requirements.** The commission shall submit a report by February 1, 1998 and each subsequent year to the joint standing committees of the Legislature having jurisdiction over natural resources matters, energy and utilities matters, fisheries and wildlife matters and appropriations and financial affairs, identifying the amount collected and how the fund was disbursed by the commission.

**5. Additional sources of revenue.** The commission shall study usage within the Saco River Corridor for the purpose of identifying additional management needs and funding sources. The commission shall take all steps necessary to obtain revenue from these funding sources to ensure that assessments on the sale of water are not the sole source of revenue for the fund.

**Sec. 2. Review.** It is the intent of the Legislature that assessments on the sale of water not be the sole source of revenue for the Saco River Corridor Fund. The Saco River Corridor Commission shall report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 2001 on the sources of revenue used to support the activity and operations of the Saco River Corridor Commission. The committee shall review the commission's funding by February 1, 2001 to determine whether sufficient sources of additional revenue have been obtained to support the activities of the commission.

**Sec. 3. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1997-98      1998-99

**SACO RIVER CORRIDOR COMMISSION**

**Saco River Corridor Commission**

All Other	\$26,145	\$31,500
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Allocates additional funds for the operating expenses of the commission.

See title page for effective date.

**CHAPTER 331**

**H.P. 1000 - L.D. 1392**

**An Act to Require the Release of the Results of an HIV Test to a Person Who Has Experienced a Bona Fide Occupational Exposure**

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

**Sec. 1. 5 MRSA §19203-C, sub-§1,** as amended by PL 1995, c. 404, §7, is further amended to read:

**1. Petition.** Any person who experiences a bona fide occupational exposure may petition the District Court with jurisdiction over the facility or other place where the exposure occurred to require the person whose blood or body fluid is the source of the exposure to submit to an HIV test and to require that the results of the test be provided to the petitioner provided that the following conditions have been met:

A. The exposure to blood or body fluids creates a significant risk of HIV infection, as defined by the Bureau of Health through the adoption of rules in accordance with the Maine Administrative Procedure Act, chapter 375;

B. The authorized representative of the employer of the person exposed has informed the person whose blood or body fluid is the source of the occupational exposure and has sought to obtain written informed consent from the person whose blood or body fluid is the source of the exposure; and

C. Written informed consent was not given by the person whose blood or body fluid is the source of the exposure and that person has refused to be tested.