

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

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

Effective May 24, 1999.

CHAPTER 300

H.P. 75 - L.D. 88

An Act to Add to the List of Mandatory Reporters of Suspected Child Abuse Children's Summer Camp Administrators and Counselors

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

Sec. 1. 22 MRSA §4011, sub-§1, as amended by PL 1997, c. 251, §1, is further amended to read:

1. Reasonable cause to suspect. When, while acting in a professional capacity, an adult who is a medical or osteopathic physician, resident, intern, emergency medical services person, medical examiner, physician's assistant, dentist, dental hygienist, dental assistant, chiropractor, podiatrist, registered or licensed practical nurse, teacher, guidance counselor, school official, children's summer camp administrator or counselor, social worker, court appointed special advocate or guardian ad litem for the child, homemaker, home health aide, medical or social service worker, psychologist, child care personnel, mental health professional, law enforcement official, state fire inspector, municipal code enforcement official, municipal fire inspector, commercial film and photographic print processor, clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications or chair of a professional licensing board that has jurisdiction over mandated reporters knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected, that person shall immediately report or cause a report to be made to the department.

A. Whenever a person is required to report in a capacity as a member of the staff of a medical or public or private institution, agency or facility, that person shall immediately notify either the person in charge of the institution, agency or facility, or a designated agent, who shall then cause a report to be made. The staff may also make a report directly to the department.

B. Any person may make a report if that person knows or has reasonable cause to suspect that a

child has been or is likely to be abused or neglected.

D. When, while acting in a professional capacity, any person required to report under this section knows or has reasonable cause to suspect that a child has been abused or neglected by a person not responsible for the child, the person shall immediately report or cause a report to be made to the appropriate district attorney's office.

Sec. 2. 22 MRSA §4011, sub-§1-A, as enacted by PL 1985, c. 495, §20, is amended to read:

1-A. Mental health treatment. When a licensed mental health professional is required to report under subsection 1, and ~~his~~ the knowledge or reasonable cause to suspect that a child has been or is likely to be abused or neglected comes from treatment of a person responsible for the abuse or neglect, the licensed mental health professional shall report to the department in accordance with subsection 1 and under the following conditions.

A. The department shall consult with the licensed mental health professional who has made the report and shall attempt to reach agreement with the professional as to how the report is to be pursued. If agreement is not reached, the licensed mental health professional may request a meeting under paragraph B.

B. Upon the request of the licensed mental health professional who has made the report, after the department has completed its investigation of the report under section 4021 or has received a preliminary protection order under section 4034 and where the department plans to initiate or has initiated a final protection action under section 4035 or plans to refer or has referred the report to law enforcement officials, the department shall convene at least one meeting of the licensed mental health professional who made the report, at least one representative from the department, a licensed mental health professional with expertise in child abuse or neglect and a representative of the district attorney's office having jurisdiction over the report, unless that office indicates that prosecution is unlikely.

C. The persons meeting under paragraph B shall make recommendations regarding treatment and prosecution of the person responsible for the abuse or neglect. The persons making the recommendations shall take into account the nature, extent and severity of abuse or neglect, the safety of the child and the community and needs of the child and other family members for treatment of the effects of the abuse or neglect and the willingness of the person responsible for the abuse or neglect to engage in treatment. The persons

making the recommendations may review or revise these recommendations at their discretion.

~~The department shall, after consultation with the Maine Prosecutors Association, the Maine Psychological Association and other affected groups, report on the effects of this subsection to the joint standing committee of the Legislature having jurisdiction over the judiciary by February 15, 1987.~~

The intent of this subsection is to encourage offenders to seek and effectively utilize treatment, at the same time providing any necessary protection and treatment for the child and other family members.

See title page for effective date.

CHAPTER 301

H.P. 1226 - L.D. 1755

An Act to Improve Access to Dental Care for Children

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

Sec. 1. 22 MRSA §3174-U is enacted to read:

§3174-U. Medicaid reimbursement for dental services

The department shall conduct an annual review of the adequacy of reimbursement rates for dental services for dentists who provide care for a disproportionate number of patients whose care is reimbursed through the Medicaid program and the Cub Care program established in section 3174-T. By December 31, 1999, the department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the results of the study, including the costs in General Fund and other money.

Sec. 2. Mobile vans for dental care. The Department of Human Services shall study the use of mobile vans for dental care to provide diagnostic and preventative dental services in remote or underserved areas of the State. By December 31, 1999, the department shall report to the Joint Standing Committee on Health and Human Services on the results of the study, including the costs of procuring the vans, suggested plans for staffing and support services and estimated costs in General Fund and other money.

Sec. 3. Dental residency programs. The Finance Authority of Maine shall study the feasibility and costs of establishing a dental residency program in the State, the need for additional dental professionals and strategies and incentives for improving access to

dental care for children and low-income residents. In studying these issues, the authority shall work together with the University of New England, the hospitals in the State that provide medical residency programs, the Maine Dental Association and the Maine Ambulatory Care Coalition. By December 31, 1999, the authority shall report to the Joint Standing Committee on Health and Human Services on the results of the study, including the costs of establishing residency programs, costs of other programs to increase the number of dental professionals and to improve access to dental care for children and low-income residents, and estimated costs in General Fund and other money.

See title page for effective date.

CHAPTER 302

H.P. 1287 - L.D. 1848

An Act to Require the Display of the Prisoner of War - Missing in Action Flag

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

Sec. 1. 1 MRSA §136 is enacted to read:

§136. Prisoner of War - Missing in Action Recognition Day

The Governor annually shall issue a proclamation designating the 3rd Friday in September as Prisoner of War - Missing in Action Recognition Day in remembrance of the courage and plight of American prisoners of war and those missing in action. The proclamation must recommend that the day be observed in an appropriate manner.

Sec. 2. 1 MRSA §206-A is enacted to read:

§206-A. Prisoner of war - missing in action flag

1. Required. The prisoner of war - missing in action flag must be flown in the following places until all those individuals designated as prisoners of war or missing in action are released or accounted for:

- A. Above the State House; and
- B. At each National Guard facility.

2. Optional. A municipality may display the prisoner of war - missing in action flag on a flag pole located at the main office building of the municipality whenever the flag of the United States is flown.

See title page for effective date.
