

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

Sec. 5. 30-A MRSA §287, sub-§1, as repealed and replaced by PL 1991, c. 101, is amended to read:

1. Payment of expenses by district attorney. Except as provided in subsection 2, in all cases reported to a law enforcement officer of sexual ~~abuse~~ of crimes against minors, or assault when serious bodily injury has been inflicted ~~and gross sexual assault~~, the office of the district attorney of the county in which the alleged crime occurred shall pay the expenses of a physical examination of the victim conducted for the purpose of obtaining evidence for the prosecution. Pursuant to Title 5, section 3360-M, the Victims' Compensation Board shall pay the expenses of forensic examinations for alleged victims of gross sexual assault.

Sec. 6. 30-A MRSA §287, sub-§2-A is enacted to read:

2-A. Drug and alcohol testing. Notwithstanding subsections 1 and 2 and Title 5, section 3360-M, the district attorney shall pay the expense of any analysis of a drug or alcohol test performed as part of a forensic examination of an alleged victim of gross sexual assault when the purpose of the analysis is to obtain evidence for the prosecution.

Sec. 7. 30-A MRSA §287, sub-§3, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Medical personnel not liable for furnishing reports, records or testimony. ~~No~~ A physician, nurse, hospital, clinic or any other person, firm or corporation attending a victim under subsection 1 ~~may be~~ is not liable in damages or otherwise for providing reports or records, copies of reports or records or for their testimony relating to any examination performed under this section when those reports, records or testimony are provided to a district attorney, a law enforcement officer or a court for the purpose of prosecuting the alleged crime, whether or not the reports, records or testimony are provided with the written authorization of the victim examined under this section.

Sec. 8. 30-A MRSA §287, sub-§4, as amended by PL 1997, c. 333, §1, is repealed.

Sec. 9. Rulemaking. Notwithstanding the effective date section of this Act, the Victims' Compensation Board shall begin its rule-making process pursuant to the Maine Revised Statutes, Title 5, section 3360-M, subsections 2 and 5 when this Act is approved. Notwithstanding the effective date section of this Act, the Department of Public Safety shall begin its rule-making process pursuant to Title 25, section 2915, subsections 1 and 4 when this Act is approved.

Sec. 10. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

**ATTORNEY GENERAL,
DEPARTMENT OF THE**

Victims' Compensation Board

All Other \$100,000

Provides funds to support the cost of reimbursing health care practitioners for forensic examinations of alleged victims of gross sexual assault.

Sec. 11. Effective date. Those sections of this Act that enact the Maine Revised Statutes, Title 5, section 3360-M, Title 24, section 2986, Title 25, section 2915 and chapter 407 and Title 30-A, section 287, subsection 2-A; that amend Title 30-A, section 287, subsection 1 and subsection 3; and that repeal Title 30-A, section 287, subsection 4 take effect November 1, 2000.

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

Effective April 14, 2000, unless otherwise indicated.

CHAPTER 720

H.P. 1789 - L.D. 2509

**An Act Regarding Discharges from
Small Fish Hatcheries That Operated
Prior to 1986**

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

Sec. 1. 38 MRSA §464, sub-§12 is enacted to read:

12. Discharges from certain fish hatcheries. An unlicensed discharge from a fish hatchery is considered, and continues to be considered after it is licensed pursuant to section 413, the same as a discharge licensed prior to January 1, 1986 for the purposes of subsection 4, paragraph A, subparagraph (1); section 465, subsection 2, paragraph C; and section 465-A, subsection 1, paragraph C if the following conditions are met:

A. The discharge was in existence prior to January 1, 1986;

B. The fish hatchery is licensed to cultivate fish by the Department of Inland Fisheries and Wildlife on the effective date of this subsection; and

C. An application from the hatchery for a waste discharge license is accepted as complete for processing by the Department of Environmental Protection within 90 days of notification that a waste discharge license is required pursuant to section 413.

The Department of Environmental Protection shall notify a fish hatchery with an unlicensed discharge that a waste discharge license is required pursuant to section 413 within 90 days of the effective date of this subsection or within 90 days of finding the unlicensed discharge.

See title page for effective date.

CHAPTER 721

H.P. 1858 - L.D. 2593

An Act to Extend the Use of Emotional Disability as an Indicator in the Identification of Exceptional Children

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

Sec. 1. 20-A MRSA §7001, sub-§2, ¶C, as amended by PL 1999, c. 424, Pt. A, §2, is further amended to read:

C. Requires special education because of one or more of the following:

- (1) Visual impairments, including blindness;
- (2) Hearing impairments, including deafness;
- (3) Speech and language impairments;
- (4) Specific learning disabilities;
- (5) Orthopedic impairments;
- (6) Emotional disability. This subparagraph is repealed June 30, 2000;
- (6-A) Emotional disability. This subparagraph is repealed June 30, 2002;
- (7) Mental retardation;

- (8) Autism;
- (9) Traumatic brain injury;
- (10) Other health impairment;
- (11) Deafness and blindness; or
- (12) Multiple disabilities.

Sec. 2. 20-A MRSA §7001, sub-§4, ¶C, as amended by PL 1999, c. 424, Pt. A, §4, is further amended to read:

C. Requires special services because of one or more of the following:

- (1) Visual impairments, including blindness;
- (2) Hearing impairments, including deafness;
- (3) Speech and language impairments;
- (4) Specific learning disabilities;
- (5) Orthopedic impairments;
- (6) Emotional disability. This subparagraph is repealed June 30, 2000;
- (6-A) Emotional disability. This subparagraph is repealed June 30, 2002;
- (7) Mental retardation;
- (8) Autism;
- (9) Traumatic brain injury;
- (10) Other health impairment;
- (11) Deafness and blindness; or
- (12) Multiple disabilities.

Sec. 3. Study of use of emotional, behavioral and developmental delay categories in identification of exceptional students and preschool handicapped children. The Department of Education shall study and compare the rate of identification of exceptional students and preschool handicapped children using emotional and behavioral indicators among school units within the State and between the State and other states. The department shall analyze the use of emotional and behavioral indicators within the State to identify inconsistencies and instances of over-identification and under-identification. The department shall also study the appropriateness and likely impact of including developmental delay for children from 5 to 9 years of age and from birth to 5 years of age as a component in