

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**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**  
**2002**

**3. Cancellation.** Certification for the program may be canceled if one or more of the following conditions apply:

A. If the program participant obtains a name change, unless the program participant provides the secretary with documentation of a legal name change within 10 business days of the name change;

B. If there is a change in the residential street address from the one listed on the application, unless the program participant provides the secretary with notice of the change in such manner as the secretary provides by rule; or

C. The applicant or program participant violates subsection 2, paragraph E, subparagraph (1).

**4. Use of designated address.** Upon demonstration of a program participant's certification in the program, state and local agencies and the courts shall accept the designated address as a program participant's address when creating a new public record unless the secretary has determined that:

A. The agency has a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that it is unable to fulfill its statutory duties and obligations without the residential address; and

B. The program participant's address or mailing address will be used only for those statutory and administrative purposes.

**5. Disclosure to law enforcement and state agencies.** If the secretary determines appropriate, the secretary may make a program participant's address or mailing address available for inspection or copying, under the following circumstances:

A. If requested of the secretary by a law enforcement agency in the manner provided for by rule; or

B. Upon request to the secretary by a commissioner of a state agency or the commissioner's designee in the manner provided for by rule and upon a showing of a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that the commissioner or the commissioner's designee is unable to fulfill statutory duties and obligations without the address or mailing address.

**6. Disclosure pursuant to court order or canceled certification.** If the secretary determines appropriate, the secretary shall make a program

participant's address and mailing address available for inspection or copying under the following circumstances:

A. To a person identified in a court order, upon the secretary's receipt of that court order that specifically orders the disclosure of a particular program participant's address and mailing address and the reasons stated for the disclosure; or

B. If the certification has been canceled because the applicant or program participant violated subsection 2, paragraph E, subparagraph (1).

**7. Confidentiality.** The program participant's application and supporting materials are not a public record and must be kept confidential by the secretary.

**8. Rules.** The secretary shall adopt rules to carry out this section. These rules are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

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## CHAPTER 540

S.P. 795 - L.D. 2150

### An Act to Facilitate Water Well Drilling if Necessitated by Emergency Drought Conditions

**Emergency preamble.** **Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** low underground water levels caused by dry weather conditions over the past several years have imperiled the water supply of many rural homes; and

**Whereas,** low water levels and dry wells pose a public health hazard to a significant portion of the State's population; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 29-A MRSA §2395, sub-§4-A** is enacted to read:

**4-A. Municipal permit not required during declared drought emergency.** Notwithstanding

subsection 4, during a period of drought emergency declared by the Governor pursuant to Title 37-B, section 742, a person operating a vehicle that is transporting well-drilling equipment for the purpose of drilling a replacement water well or for improving an existing water well on property where that well is no longer supplying sufficient water for residents or agricultural purposes may travel over a county or municipal way without a specific county or municipal permit, as long as the following conditions are met:

A. The operator of the vehicle is operating in accordance with a permit issued by the Department of Transportation when a department permit is required for a road or way necessary to reach the county or municipal way on which the property to be drilled is situated;

B. The municipal or county manager or, in the absence of a municipal or county manager, a municipal or county officer or road commissioner is notified in advance; and

C. The operator of the vehicle is traveling on a road that is posted by a county or municipality in accordance with any additional restrictions the municipality or county may impose, excepting any requirement for a specific county or municipal permit.

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

Effective March 21, 2002.

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**CHAPTER 541**

**H.P. 1420 - L.D. 1868**

**An Act to Provide Enhancements to the Small Enterprise Growth Program**

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

**Sec. 1. 10 MRSA §382, sub-§4,** as amended by PL 1999, c. 504, §2, is further amended to read:

**4. Qualifying small business.** "Qualifying small business" means, for the purpose of an initial disbursement by the board under section 388, a business employing 50 or fewer employees or having gross sales not exceeding \$5,000,000 within the most recent 12 months for which financial statements are available. For the purpose of a subsequent disbursement, "qualifying small business" means a business to which the board has previously made a disbursement

and that, in the judgment of the board, evidences continued potential for high growth.

**Sec. 2. 10 MRSA §388, sub-§1,** as amended by PL 1999, c. 504, §6, is further amended to read:

**1. Disbursements.** ~~Disbursements~~ Initial disbursements may not exceed \$500,000 to a qualifying small business, including an affiliated entity. An initial disbursement plus any subsequent disbursements in the aggregate to a qualifying small business may not exceed an amount equal to 10 percent of the capitalization of the fund from all appropriations received for application to the fund, plus any funds received from repayment, interest, royalties, equities or other interests in business enterprises, products or services to the extent the repayment, interest, royalties, equities or other interests are in excess of the amount initially invested in the business making the payments, plus interest accrued on the fund balance and other funds received by the board to be applied to the fund. ~~The Finance Authority of Maine board~~ shall report annually by December 20th of each year to the joint standing committee of the Legislature having jurisdiction over business and economic development matters on all disbursements made under this subsection.

See title page for effective date.

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**CHAPTER 542**

**S.P. 709 - L.D. 1911**

**An Act Regarding Certain Educational Requirements for Licensed Social Workers**

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

**Sec. 1. 32 MRSA §7053, sub-§3,** as amended by PL 2001, c. 316, §2, is further amended to read:

**3. Requirements to be a licensed social worker on or before September 30, 2003.** On or before ~~June 30, 2002~~ September 30, 2003, the board may issue a license to an applicant who meets at least one of the requirements set out in this subsection:

A. The applicant must have received a bachelor's degree in social work or social welfare from an accredited educational institution; demonstrated to the satisfaction of the board adherence to the ethics of the social worker profession; and successfully completed the examination prescribed by the board; or

B. The applicant must have received a bachelor's degree in a related field from an institution that,