

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.

J.S. McCarthy Company
Augusta, Maine
2002

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.

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.

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,

at the time the degree was received, did not have a program accredited by the Council on Social Work Education but subsequently offered such a program; 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.

The board shall issue rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, by which an individual who has a bachelor's degree that does not qualify under paragraph A or B may be eligible for a license.

The board may not issue a licensed social worker conditional license under this subsection after ~~June 30, 2002~~ September 30, 2003. Individuals who have met the requirements of this subsection and have a licensed social worker conditional license issued prior to ~~June 30, 2002~~ September 30, 2003, may continue to work towards full licensure as a licensed social worker under this subsection.

Sec. 2. 32 MRSA §7053, sub-§3-A, as corrected by RR 2001, c. 1, §41, is amended to read:

3-A. Requirements for licensed social worker after September 30, 2003. Except for those who meet the requirements for licensure as a social worker under section 7053, subsection 3, after ~~June 30, 2002~~ September 30, 2003, the board may issue a conditional license or a license to an applicant who meets the requirements set out in this subsection.

A. Requirements for a conditional license for a licensed bachelor social worker include:

- (1) Documented proof of a bachelor's degree in social work or social welfare from an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization;
- (2) Three letters of professional recommendation written within one year of receipt by the board, 2 of which are provided by licensed social workers from any state;
- (3) Evidence of employment in a social service delivery field;
- (4) Evidence of an arrangement of consultation to be provided by one of the following:
 - (a) A licensed social worker with at least 5 years' experience;
 - (b) A licensed master social worker;
 - (c) A licensed clinical social worker; or

(d) A certified social worker-independent practice;

(5) Payment of the application and license fee; and

(6) Demonstration to the satisfaction of the board adherence to the ethics of the social worker profession.

B. Requirements for a licensed social worker after ~~June 30, 2002~~ September 30, 2003 include:

(1) Documented proof of a bachelor's degree in social work or social welfare from an accredited educational institution. If an applicant provides documented proof of a bachelor's degree in social work or social welfare from a program in candidacy for accreditation with the Council on Social Work Education or a successor organization, then the applicant must provide documented proof of 96 hours of consultation provided by a licensed social worker with at least 2 years' experience, a licensed master social worker, a licensed clinical social worker or a certified social worker-independent practice. This consultation must be concurrent with 3,200 hours of social work employment occurring in a period not less than 2 years but not more than 4 years;

(2) An applicant with less than 2 years of social work employment must provide evidence of an arrangement of consultation provided by:

- (a) A licensed social worker with at least 2 years' experience;
- (b) A licensed master social worker;
- (c) A licensed clinical social worker; or
- (d) A certified social worker-independent practice;

(3) Documentation of successfully passing the required examination;

(4) Three letters of professional recommendation written within one year of receipt by the board of which 2 are provided by social workers licensed in any state. If the applicant is conditionally licensed as a licensed social worker, one recommendation must be from the consultant to the applicant's conditional license;

- (5) Evidence of employment in a social service delivery field;
- (6) Payment of the application and license fee; and
- (7) Demonstration to the satisfaction of the board adherence to the ethics of the social worker profession.

See title page for effective date.

CHAPTER 543

S.P. 539 - L.D. 1670

An Act Regarding Child Abandonment

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

Sec. 1. 17-A MRSA §553, sub-§3 is enacted to read:

3. It is an affirmative defense to a prosecution under this section that, at the time the offense occurred:

- A. The child was less than 31 days of age; and
- B. The child was delivered by the person charged under this section to an individual the person reasonably believed to be:
 - (1) A law enforcement officer;
 - (2) Staff at a medical emergency room;
 - (3) A medical services provider as defined in Title 22, section 4018; or
 - (4) A hospital staff member at a hospital.

Sec. 2. 22 MRSA §4018 is enacted to read:

§4018. Abandoned child; safe haven provider

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Medical services provider" means an individual certified, registered or licensed in the healing arts, including, but not limited to, a physician, nurse, podiatrist, optometrist, chiropractor, physical therapist, dentist, psychologist, physician's assistant or emergency medical services person.
- B. "Safe haven provider" means:

- (1) A law enforcement officer;
- (2) Staff at a medical emergency room;
- (3) A medical services provider; or
- (4) A hospital staff member at a hospital.

2. Request for information. A person who voluntarily delivers a child less than 31 days of age to a safe haven provider and who does not express an intent to return for the child may be requested to provide information helpful to the welfare of the child. The person who accepts a child under this section may not detain the person delivering the child to obtain information.

3. Action by safe haven provider; guidelines. A safe haven provider who accepts a child under this section shall promptly notify the department of the delivery of the child, transfer the child to the department at the earliest opportunity and provide to the department all information provided by the person delivering the child to the safe haven provider. The department shall establish guidelines to assist safe haven providers concerning procedures when a child is delivered to a safe haven provider under this section.

4. Confidentiality. All personally identifiable information provided by the person delivering the child to a safe haven provider is confidential and may not be disclosed by the safe haven provider to anyone except to the extent necessary to provide temporary custody of the child until the child is transferred to the department and except as otherwise provided by court order. All health care or other information obtained by a safe haven provider in providing temporary custody of the child may also be provided to the department upon request.

5. Liability. A person or entity who accepts a child under this section or provides temporary custody of a child accepted under this section is not subject to civil, criminal or administrative liability for accepting the child or providing temporary custody of the child in the good faith belief that the action is required or authorized by this section. This subsection does not affect liability for personal injury or wrongful death, including, but not limited to, injury resulting from medical malpractice.

See title page for effective date.

CHAPTER 544

H.P. 1173 - L.D. 1573

An Act to Enact the Uniform Principal and Income Act of 1997