

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

- (17) A homemaker;
- (18) A home health aide;
- (19) A medical or social service worker;
- (20) A psychologist;
- (21) Child care personnel;
- (22) A mental health professional;
- (23) A law enforcement official;
- (24) A state or municipal fire inspector;
- (25) A municipal code enforcement official;
- (26) A commercial film and photographic print processor;
- (27) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications; ~~or and~~
- (28) A chair of a professional licensing board that has jurisdiction over mandated reporters; or

B. Any ~~other~~ person who has assumed full, intermittent or occasional responsibility for the care or custody of the child, regardless of whether or not the person receives compensation; ~~and~~

Sec. 4. 22 MRSA §4011-A, sub-§1, ¶C is enacted to read:

C. Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation.

See title page for effective date.

CHAPTER 211

H.P. 849 - L.D. 1146

An Act To Allow Licensure of Graduates of Social Work Programs That Are in Candidacy for Accreditation

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

Whereas, allowing licensure of graduates of social work or social welfare programs at institutions that are in candidacy for national accreditation would increase the number of qualified applicants for social work positions in the State without threatening the safety of the public; 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. 32 MRSA §7053, sub-§2, as amended by PL 1985, c. 736, §11, is further amended to read:

2. Licensed master social worker. As a licensed master social worker, an applicant ~~shall~~ must have received either a masters or doctoral degree in social work or social welfare from an accredited educational institution or an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization, ~~shall~~ must have demonstrated to the satisfaction of the board adherence to the ethics of the social work profession and ~~shall~~ must have successfully completed the examination prescribed by the board. After meeting these qualifications, the applicant ~~shall~~ must receive a "licensed master social worker" license. In addition, any person wishing to practice social work in a clinical setting ~~shall~~ must receive a "licensed master social worker, conditional" license.

This subsection is repealed July 1, 2005.

Sec. 2. 32 MRSA §7053, sub-§2-A is enacted to read:

2-A. Licensed master social worker. As a licensed master social worker, an applicant must have received either a masters or doctoral degree in social work or social welfare from an accredited educational institution, must have demonstrated to the satisfaction of the board adherence to the ethics of the social work profession and must have successfully completed the examination prescribed by the board. After meeting these qualifications, the applicant must receive a "licensed master social worker" license. In addition, any person wishing to practice social work in a clinical setting must receive a "licensed master social worker, conditional" license.

This subsection takes effect July 1, 2005.

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

Effective May 19, 2003.

CHAPTER 212

H.P. 435 - L.D. 572

An Act To Change the Process of Enforcement of a Municipality's Obligations to a School Administrative District

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

Sec. 1. 20-A MRSA §1310, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

6. Enforcement. If a municipal treasurer fails to pay the installment due, or any part, on the dates required, to initiate collection procedures, the treasurer of the school administrative district may notify the municipal treasurer of the failure to pay. Interest accrues on each unpaid installment at the rate established under Title 36, section 186 beginning on the 60th day after the date the installment is due under subsection 4. If payment of an installment is not made within 60 days after the due date, the treasurer of the district may initiate an action in Superior Court to compel payment of the delinquent installment. The court shall determine the amount owed by the municipality to the district and shall order the municipal treasurer to pay all delinquent installments, accrued interest and any court costs and reasonable attorney's fees incurred by the district. To ensure prompt payment of the delinquent installments, the court may require that amounts due to the municipality from the State under Title 30-A, section 5681 and Title 36, sections 578 and 685 be paid to the district until the amount determined by the court is satisfied. The court shall promptly notify the disbursing state agency of the determination and direct the agency to make the required change in payee and the amounts to be paid. If additional funds are needed to satisfy the amount determined by the court to be paid to the district, the court may order the attachment or trustee process and sale of real or personal property owned by the municipality or the attachment of the municipality's bank accounts or require property tax payments to the municipality to be turned over to the court and may pay the amount owed the district from the proceeds and return any excess to the municipality.

Sec. 2. 20-A MRSA §1703, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

6. Enforcement. If a municipal treasurer fails to pay the installment due, or any part, on the dates required, to initiate collection procedures, the treasurer of the community school district may notify the municipal treasurer of the failure to pay. Interest accrues on each unpaid installment at the rate established under Title 36, section 186 beginning on the 60th day after the date the installment is due under subsection 4. If payment of an installment is not made within 60 days after the due date, the treasurer of the district may initiate an action in Superior Court to compel payment of the delinquent installment. The court shall determine the amount owed by the municipality to the district and shall order the municipal treasurer to pay all delinquent installments, accrued interest and any court costs and reasonable attorney's fees incurred by the district. To ensure prompt payment of the delinquent installments, the court may require that amounts due to the municipality from the State under Title 30-A, section 5681 and Title 36, sections 578 and 685 be paid to the district until the amount determined by the court is satisfied. The court shall promptly notify the disbursing state agency of the determination and direct the agency to make the required change in payee and the amounts to be paid. If additional funds are needed to satisfy the amount determined by the court to be paid to the district, the court may order the attachment or trustee process and sale of real or personal property owned by the municipality or the attachment of the municipality's bank accounts or require property tax payments to the municipality to be turned over to the court and may pay the amount owed the district from the proceeds and return any excess to the municipality.

See title page for effective date.

CHAPTER 213

H.P. 358 - L.D. 466

An Act Concerning the Issuance of a Temporary Liquor License

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

Sec. 1. 28-A MRSA §653, sub-§1, as amended by PL 2001, c. 500, §1, is further amended to read:

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, ~~shall~~ may hold a public hearing for