

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

must be offset by the commission in the manner in which the state lottery or commission of a party state is required by law to offset those debts and arrearages.

**Sec. 12. 8 MRSA §417**, as enacted by PL 1983, c. 732, §1, is amended to read:

**§417. Unclaimed prize money**

Unclaimed prize money for the prize on a winning ticket shall must be retained by the commission for payment to the person entitled ~~thereto~~ to the prize money for one year after the drawing or selection of a winning ticket in which the prize was won. If ~~no~~ a claim is not made for the prize within one year from the date of the drawing or selection of a winning ticket, the prize money shall must be credited to the prize pool. Upon the expiration of a one-year time period from the drawing date or selection of a winning ticket, the ticket holder shall ~~forfeit~~ forfeits any claim or entitlement to the prize ~~moneys~~ money.

See title page for effective date.

**CHAPTER 353**

**H.P. 820 - L.D. 1155**

**An Act To Ensure the Integrity of Neuropsychological and Psychological Testing Materials and Data**

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

**Whereas**, current law does not protect from disclosure neuropsychological and psychological testing materials; and

**Whereas**, disclosure of neuropsychological and psychological testing materials and distribution to even just one person who is the subject of testing or to many persons who may be the subjects of the testing will compromise and invalidate such testing; and

**Whereas**, maintaining the integrity of the testing materials is critical to test results and to the functioning of the system of neuropsychological and psychological testing in this State and requires the immediate action of the Legislature; 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. 22 MRSA §1725** is enacted to read:

**§1725. Neuropsychological and psychological evaluations**

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

A. "Neuropsychological evaluation" means a testing method through which a neuropsychologist or a psychologist can acquire data about a person's cognitive, behavioral and emotional functioning for purposes of diagnosing or confirming a diagnosis of cognitive deficit or abnormalities in the central nervous system.

B. "Neuropsychological or psychological test data" means raw and scaled scores, a person's responses to test questions or stimuli, a neuropsychologist's or psychologist's notes and recordings concerning the person's statements and behavior during a neuropsychological evaluation or psychological evaluation and those portions of neuropsychological or psychological test materials that include the person's responses.

C. "Neuropsychological or psychological test materials" means manuals, instruments, protocols, assessment devices, scoring keys, test questions and stimuli used in conducting a neuropsychological evaluation or psychological evaluation.

D. "Psychological evaluation" means a testing method through which a psychologist acquires data about a person's cognitive and emotional functioning for purposes of determining cognitive ability, diagnosing a mental health condition or confirming a mental health diagnosis.

**2. Disclosure of neuropsychological or psychological test materials and neuropsychological or psychological test data.** The disclosure of neuropsychological or psychological test materials and neuropsychological or psychological test data is governed by this subsection.

A. Except as provided in paragraph B, neuropsychological or psychological test materials and neuropsychological or psychological test data, the disclosure of which would compromise the objectivity or fairness of the evaluation methods or process, may not be disclosed to anyone, including the person who is the subject of the test, and are not subject to disclosure in any administrative, judicial or legislative proceeding.

B. A person who is the subject of a neuropsychological evaluation or psychological evaluation is entitled to have all records relating to that evaluation, including neuropsychological or psychological test materials and neuropsychological or psychological test data, disclosed to any neuropsychologist or psychologist who is qualified to

evaluate the test results and who is designated by the person. A neuropsychologist or psychologist designated to receive records under this paragraph may not disclose the neuropsychological or psychological test materials and neuropsychological or psychological test data to another person.

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

Effective June 25, 2013.

**CHAPTER 354  
H.P. 1061 - L.D. 1480**

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:**

**PART A**

**Sec. A-1. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Budget - Bureau of the 0055**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$102,412	\$105,084
All Other	\$8,893	\$8,893
<b>HIGHWAY FUND TOTAL</b>	<b>\$111,305</b>	<b>\$113,977</b>

**BUDGET - BUREAU OF THE 0055  
PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$102,412	\$105,084
All Other	\$8,893	\$8,893
<b>HIGHWAY FUND TOTAL</b>	<b>\$111,305</b>	<b>\$113,977</b>

**Buildings and Grounds Operations 0080**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	16,000	16,000
Personal Services	\$683,789	\$714,302
All Other	\$1,383,729	\$1,383,729
<b>HIGHWAY FUND TOTAL</b>	<b>\$2,067,518</b>	<b>\$2,098,031</b>

**BUILDINGS AND GROUNDS OPERATIONS 0080**

**PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	16,000	16,000
Personal Services	\$683,789	\$714,302
All Other	\$1,383,729	\$1,383,729
<b>HIGHWAY FUND TOTAL</b>	<b>\$2,067,518</b>	<b>\$2,098,031</b>

**Claims Board 0097**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$60,069	\$61,915
All Other	\$23,107	\$23,107