

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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Sec. 2. 26 MRSA §979-Q, sub-§2 is enacted to read:

2. Disclosure of certain information for grievance and other proceedings. The Director of Human Resources may release to the Director of Employee Relations specific information designated confidential by this subsection which has been requested by the Director of Employee Relations to be used in negotiations, mediation, fact-finding, arbitration, grievance proceedings and other proceedings in which the Director of Employee Relations represents the State as defined in this subsection. For the purpose of this subsection, "other proceedings" means unemployment compensation proceedings, workers' compensation proceedings, human rights proceedings and labor relations proceedings.

Confidential information provided under this subsection to the Bureau of Employee Relations shall be governed by the following.

A. The information to be released shall be information only as necessary and directly related to the proceeding as determined by the Director of Human Resources.

B. The Director of Employee Relations shall specify in writing the confidential information required in the proceedings and the reasons explaining the need for the information, and shall provide a copy of the written request to the employee or employees.

C. The proceeding for which the confidential information is provided shall be private and not open to the public; or, if the proceeding is open to the public, the confidential information shall not be disclosed except exclusively in the presence of the fact finder, the parties and counsel of record, and the employee who is the subject of the proceeding and provisions are made to ensure that there is no public access to the confidential information.

The Director of Employee Relations may use this information in grievance proceedings and provide copies to the employee organization that is a party to the proceedings, provided the information is directly related to those proceedings as defined by the applicable collective bargaining agreement. Confidential personnel records in the possession of the Bureau of Employee Relations shall not be open to public inspection and shall not be "public records," as defined in Title 1, section 402, subsection 3.

Effective August 4, 1988.

## CHAPTER 674

H.P. 1772 — L.D. 2425

### AN ACT Concerning Safety Hazards on Maine Lakes.

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

Whereas, the marking of safety hazards on Maine's lakes is necessary for the coming boating season; and

Whereas, this Act will not become effective until after the majority of the boating season has passed, unless enacted as an emergency; 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. 38 MRSA §321, as amended by PL 1973, c. 460, §19, is further amended by adding at the end 3 new paragraphs to read:

If the Bureau of Parks and Recreation, after written request from the governing body of any city or town either declines to mark a waterway or is unable to mark a waterway, then the governing body of the city or town may mark hazards to boating on waterways within its jurisdiction. The Bureau of Parks and Recreation shall be deemed to have declined to mark a particular waterway if the bureau does not respond to a request within 30 days.

The Bureau of Parks and Recreation may at any time reverse a decision not to mark a certain waterway or portion of that waterway and replace any existing markings in accordance with the rules of uniform marking promulgated by the bureau.

Sec. 2. 38 MRSA §329, first ¶, as repealed and replaced by PL 1977, c. 696, §341, is repealed.

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

Effective April 6, 1988.

## CHAPTER 675

H.P. 1624 — L.D. 2219

### AN ACT to Permit the Department of Transportation to Exempt Certain Railroad Crossings from Requirements to Stop.

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

29 MRSA §998-B, sub-§3, ¶C, as enacted by PL 1985, c. 812, Pt. C, §4, is repealed and the following enacted in its place:

C. A railroad crossing on a line having no or limited rail traffic may be posted as an exempt crossing by

the Department of Transportation by general order. The department may exempt that crossing after providing written notice within 30 days to the railroad and municipality in which the crossing is located or, after hearing, if requested within 30 days either by the railroad, municipality or 10 or more residents of the State. For each exempt crossing, the department may order and impose safety provisions as it deems expedient or necessary. For any exempt crossing that does not have automatic warning devices, the engineer shall stop the train prior to entering the crossing, and a member of the train crew shall stop all motor vehicle traffic prior to flagging the train through the crossing. For an exempt crossing with automatic warning devices, the engineer shall stop the train prior to entering the crossing and determine that all motor vehicle traffic has come to a stop prior to proceeding. Any exempt crossing shall be posted with appropriate signs which shall be erected and maintained by the department; or

Effective August 4, 1988.

## CHAPTER 676

H.P. 1812 — L.D. 2480

### AN ACT to Regulate the Hiring of School Bus Drivers.

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

Sec. 1. 17 MRSA §2872, as enacted by PL 1985, c. 538, §1, is amended to read:

#### §2872. Employees transporting minors

No person may be employed in any preschool facility in any capacity which involves the transporting of minors by means of motor vehicle unless if the person, prior to commencement of that employment, submits to the facility a certified copy of his driving record indicating the nature and date of any adjudication or conviction for has been convicted of a violation of Title 29, former section 1312, subsection 10; section 1312-B or 1312-C; or Title 15, section 3103, subsection 1, paragraph F, for within the preceding 3-year 6-year period. The copy shall be submitted prior to employment. If the record indicates that such an adjudication or conviction has occurred, that person may not be employed by the facility for the transportation of minors for 3 years from the date of his last conviction. The person shall bear the cost of the certified copy.

Sec. 2. 29 MRSA §2013, sub-§1, ¶B, as repealed and replaced by PL 1973, c. 780, §4, is amended to read:

B. Must be at least 18 21 years of age and has held an operator's license for at least one year. The minimum age of 21 years does not apply to school bus operators licensed under this section as of March 15, 1988;

Sec. 3. 29 MRSA §2013, sub-§1, ¶E, as amended by PL 1985, c. 191, §3, is further amended to read:

E. Must pass an examination as the Secretary of State shall prescribe to determine his ability to operate the specific vehicle which will be driven as a school bus or any comparable type vehicle. A fee of \$8 shall accompany the initial application for the examination. The fee for subsequent examinations shall be \$5; and

Sec. 4. 29 MRSA §2013, sub-§1, ¶F, as enacted by PL 1979, c. 685, §1, is amended to read:

F. Shall not be a habitual offender, as defined in section 2292; and

Sec. 5. 29 MRSA §2013, sub-§1, ¶G is enacted to read:

G. Shall not have been convicted of a violation of former section 1312, subsection 10; section 1312-B; former section 1312-C; or Title 15, section 3103, subsection 1, paragraph F, within the preceding 6-year period.

Effective August 4, 1988.

## CHAPTER 677

H.P. 1759 — L.D. 2408

### AN ACT to Amend the Cosmetology Laws.

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

Sec. 1. 32 MRSA §1551, sub-§4, ¶A, as amended by PL 1987, c. 395, Pt. A, §144, is further amended to read:

A. Applying the hands or mechanical or electrical apparatus with or without cosmetic preparations, tonics, lotions, creams, antiseptics or clays to massage, cleanse, stimulate, manipulate, exercise or otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, hands, legs or feet or to manicure the fingernails or toenails of any person;

Sec. 2. 32 MRSA §1551, sub-§7 is enacted to read:

7. Aesthetician or aesthetics operator. "Aesthetician" or "aesthetics operator" means any person who, for compensation, engages in any one or a combination of the following practices, aesthetics or cosmetic skin care:

A. Applying the hands or mechanical or electrical apparatus with or without cosmetic preparations, tonics, lotions, creams, antiseptics or clays to massage, cleanse, stimulate, wax, tone, exercise or otherwise improve or beautify the body of any person;