

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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
1995

Sec. 1. 36 MRSA §654, sub-§1, ¶E, as amended by PL 1993, c. 708, Pt. J, §13, is further amended to read:

E. The residential real estate up to the just value of \$4,000 of inhabitants of Maine who are legally blind as determined by ~~the Department of Education, Division for the Blind and Visually Impaired~~ a properly licensed Doctor of Medicine, Doctor of Osteopathy or Doctor of Optometry; and

See title page for effective date.

CHAPTER 546

S.P. 674 - L.D. 1734

An Act to Amend the Commercial Vehicle Weight Laws

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

Sec. 1. 29-A MRSA §2360, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Penalty. Notwithstanding section 101, subsection 85, a person who is guilty of excessive vehicle weight must be punished by a fine in accordance with this section. When both gross and axle weight limits are exceeded, the penalty imposed must be for the violation that results in the higher fine except that, for a violation of section 2355, a minimum fine must also be imposed for any other applicable violation of section 2355 in accordance with subsection 9.

Sec. 2. 29-A MRSA §2362, sub-§§2 to 4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

2. Suspension for repeat offenders. If the record maintained by the Secretary of State shows that a vehicle has been operated in violation of section 2361 3 or more times during a 12-month period, 5 or more times during a 24-month period or 7 or more times during a 36-month period, then the Secretary of State shall suspend the registration plates and certificate of that vehicle, or, for a foreign-registered vehicle, the right to operate in this State.

3. Length of suspension. The term of suspension ~~for the 3rd offense is 30 days and, for the 4th and subsequent offenses, 60 days.~~ for the 3rd offense within a 12-month period, the 5th offense within a 24-month period or the 7th offense within a 36-month period. The term of suspension is 60 days for the 4th and subsequent offenses within a 12-month period, the

6th and subsequent offenses within a 24-month period or the 8th and subsequent offenses within a 36-month period. Prior offenses for the 24-month period and 36-month period must be determined in the same manner as provided for the 12-month period in section 2361, subsection 3.

4. Criminal penalty. Notwithstanding section 2361, a 3rd or subsequent violation of section 2361 within a 12-month period, a 5th or subsequent violation within a 24-month period or a 7th or subsequent violation within a 36-month period is a Class E crime, but the fine specified in section 2361 and the suspension specified in this section apply.

See title page for effective date.

CHAPTER 547

H.P. 617 - L.D. 827

An Act to Provide for Record Checks of Elementary and Secondary Education Employees and Applicants

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

Sec. 1. 20-A MRSA c. 221, sub-c. III, first 2 lines are repealed and the following enacted in their place:

SUBCHAPTER III

EMPLOYEE AND APPLICANT RECORDS

Sec. 2. 20-A MRSA §6101, sub-§1, ¶¶E and F, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

E. Major and minor fields of study recognized by the post-secondary institutions attended; ~~and~~

F. Degrees received and dates awarded; ~~and~~

Sec. 3. 20-A MRSA §6101, sub-§1, ¶G is enacted to read:

G. Criminal history record information obtained pursuant to section 6103.

Sec. 4. 20-A MRSA §6101, sub-§2, ¶B, as amended by PL 1987, c. 620, §1, is further amended to read:

B. Except as provided in paragraph A, information in any form relating to an employee or applicant for employment, or to the employee's immediate family, ~~shall~~ must be kept confidential if it relates to the following:

(1) All information, working papers and examinations used in the examination or evaluation of all applicants for employment;

(2) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(3) Performance evaluations, personal references and other reports and evaluations reflecting on the quality or adequacy of the employee's work or general character compiled and maintained for employment purposes;

(4) Credit information;

(5) Except as provided by subsection 1, the personal history, general character or conduct of the employee or any member of the employee's immediate family;

(6) Complaints, charges of misconduct, replies ~~thereto~~ to complaints and charges of misconduct and memoranda and other materials pertaining to disciplinary action;

(7) Social security number; ~~and~~

(8) The teacher action plan and support system documents and reports maintained for certification purposes; and

(9) Criminal history record information obtained pursuant to section 6103.

Sec. 5. 20-A MRSA §6103 is enacted to read:

§6103. Criminal history record information conviction data

Beginning January 1, 1999, certification, authorization and renewal under chapters 501 and 502 are subject to the provisions of this section.

1. Conviction data obtained; reliance. The commissioner shall obtain criminal history record information containing a record of conviction data from the Maine Criminal Justice Information System for any person applying for certification, authorization or renewal. The commissioner may rely on information provided by the Maine Criminal Justice Information System within 24 months prior to the issuance of a certificate, authorization or renewal.

2. Issuance restriction. Issuance of a certificate, authorization or renewal to any person whose criminal history record information includes a criminal conviction is subject to the provisions of Title 5, chapter 341 and section 13020.

3. Confidentiality. Any information obtained pursuant to this section is confidential.

4. Expenses. Notwithstanding Title 26, sections 594 and 629, the expense of obtaining the information required by this section must be paid by the applicant.

Sec. 6. Study committee. The Commissioner of Education shall convene a study committee to make recommendations on measures to protect children through record checks of elementary and secondary education employees and applicants for employment. The study committee consists of representatives from the Maine Education Association, the Maine School Management Association, the Department of the Attorney General, the Department of Education, the Bureau of State Police, and other groups designated by the commissioner.

The study committee shall consider the following issues:

1. Requiring federal record checks for employees or applicants for employment who are seeking certification, authorization or renewal;

2. Requiring federal and state record checks for employees or applicants for employment who have contact with children but whose positions do not require certification, authorization or renewal;

3. Whether the state record checks required in subsection 2 must be conducted at the state or local level; and

4. Whether allegation information concerning employees or applicants for employment may be shared and by whom.

The study committee shall present its report and any recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 15, 1996.

See title page for effective date.

CHAPTER 548

H.P. 1169 - L.D. 1601

**An Act to Allow Physicians' Offices
to Receive Discounts from
Pharmaceutical Manufacturers**

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

Sec. 1. 32 MRSA §13804, sub-§5 is enacted to read: