

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

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9-A MRSA § 5-110, sub-§ 4, is enacted to read:

4. If the goods that are collateral in a consumer credit transaction include a right of setoff, the notice shall conform to the requirements of subsection 2 and a notice in substantially the form specified in that subsection complies with this subsection, except for the following:

A. The 3rd sentence in the next to the last paragraph of the form of notice specified in subsection 2 shall read: If you do not pay by that date, we may exercise our rights under the law, including the right to set off funds in your checking or savings accounts with us against the balance on this delinquent account; and

B. The first sentence in the last paragraph of the form of notice shall read: If you are late again in making your payments, we may exercise our rights, including the right of setoff, without sending you another notice like this one.

Effective September 14, 1979

CHAPTER 403

H. P. 666 — L. D. 826

AN ACT Relating to Personnel Records of Employees of the State and its Political Subdivisions.

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

Sec. 1. 5 MRSA § 554, 4th ¶, as repealed and replaced by PL 1977, c. 564, § 14, is repealed and the following enacted in its place:

The following records shall be confidential and not open to public inspection, and shall not be "public records" as defined in Title 1, section 402, subsection 3:

1. Papers relating to examinations or evaluations of applicants. Working papers, research material, records and the examinations prepared for and used specifically in the examination or evaluation of applicants for positions within the classified service of State Government;

2. Personal information. Records containing the following, except they may be examined by the employee to whom they relate when that examination is permitted or required by statute:

A. Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

- B. Performance evaluations and personal references submitted in confidence;
- C. Information pertaining to the credit worthiness of a named employee;
- D. Information pertaining to the personal history, general character or conduct of members of an employee's immediate family; and
- E. Complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action shall no longer be confidential after it is completed.

3. Other information. Other information to which access by the general public is prohibited by statute.

Sec. 2. 30 MRSA § 64, as enacted by PL 1975, c. 694, § 3, is repealed and the following enacted in its place:

§ 64. Personnel records

1. Confidential records. The following records shall be confidential and not open to public inspection, and shall not be "public records" as defined in Title 1, section 402, subsection 3:

- A. Working papers, research materials, records and the examinations prepared for and used specifically in the examination or evaluation of applicants for employment by that county;
- B. County records containing the following:
 - (1) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
 - (2) Performance evaluations and personal references submitted in confidence;
 - (3) Information pertaining to the credit worthiness of a named employee;
 - (4) Information pertaining to the personal history, general character or conduct of members of an employee's immediate family; and
 - (5) Complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action shall no longer be confidential after it is completed: and

C. Other information to which access by the general public is prohibited by statute.

2. Employee right to review. The county commissioner shall, on written request from an employee or former employee, provide the employee, former employee or his duly authorized representative with an opportunity to review his personnel file, if the county commissioner has a personnel file for that employee. These reviews shall take place at the location where the personnel files are maintained and during normal office hours. For the purposes of this subsection, a personnel file shall include, but not be limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits which the county commissioner has in his possession. The records described in subsection 1, paragraph B, may also be examined by the employee to whom they relate, as provided in this subsection.

Sec. 3. 30 MRSA § 2257, as enacted by PL 1975, c. 694, § 4, is repealed and the following enacted in its place:

§ 2257. Personnel records

1. Confidential records. The following records shall be confidential and not open to public inspection, and shall not be "public records" as defined in Title 1, section 402, subsection 3:

A. Working papers, research materials, records and the examinations prepared for and used specifically in the examination or evaluation of applicants for employment by that municipality;

B. Municipal records containing the following:

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

(2) Performance evaluations and personal references submitted in confidence;

(3) Information pertaining to the credit worthiness of a named employee;

(4) Information pertaining to the personal history, general character or conduct of members of an employee's immediate family; and

(5) Complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action shall no longer be confidential after it is completed; and

C. Other information to which access by the general public is prohibited by statute.

2. **Employee right to review.** The municipal officer shall, on written request from an employee or former employee, provide the employee, former employee or his duly authorized representative with an opportunity to review his personnel file, if the municipal officer has a personnel file for that employee. These reviews shall take place at the location where the personnel files are maintained and during normal office hours. For the purposes of this subsection, a personnel file shall include, but not be limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits which the municipal officer has in his possession. The records described in subsection 1, paragraph B, may also be examined by the employee to whom they relate, as provided in this subsection.

Effective September 14, 1979

CHAPTER 404
H. P. 912 — L. D. 1120

AN ACT Concerning the Adoption of Management Plans by the Commissioner of Marine Resources.

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

12 MRSA § 6171, sub-§ 2-A is enacted to read:

2-A. **Management plans.** The commissioner may only adopt a management plan or other policy on the conservation or regulation of marine organisms after prior notice and public hearing and with the advice and consent of the advisory council.

Effective September 14, 1979

CHAPTER 405
H. P. 1394 — L. D. 1612

AN ACT Relating to Abortions.

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

Sec. 1. 17 MRSA § 51 is repealed.

Sec. 2. 22 MRSA § 1598 is enacted to read:

§ 1598. **Abortions**