

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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purchase portable ra-  
dios for use on the wa-  
ter.

1985-861986-87

DEPARTMENT OF MARINE RESOURCES  
TOTAL

\$316,537

\$316,537

Effective September 19, 1985.

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## CHAPTER 380

H.P. 923 - L.D. 1330

### AN ACT Relating to Investigations of Child Abuse in Institutions Licensed by the State.

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

Sec. 1. 5 MRSA §1832 is enacted to read:

§1832. Contracts with day care facilities

Whenever the Department of Human Services fails to renew the contract or grant funding for or terminates the funding of a day care facility licensed under Title 22, chapter 1663 or chapter 1673 and the funding cancellation or failure to renew was a result of failure by the facility to take appropriate action to discharge or suspend an employee for actions resulting from or arising out of an investigation of child abuse or neglect, the department shall provide for the following:

1. Written notice. Written notice to the governing authority of the facility of the decision and of any rights under this section;

2. Appeal. A procedure to appeal the decision of the agency at a fair hearing; and

3. Continued funding. In cases where a hearing has been requested, continued funding until a decision is reached on the hearing.

This section is repealed October 1, 1987.

Sec. 2. 14 MRSA §168 is enacted to read:

§168. Day care facility immunity for certain personnel action

1. Governing authority. The governing authority of a day care facility licensed under Title 22, chapter 1663 or chapter 1673 is not liable for any monetary award of damages, except to the extent of any coverage limits on a policy of insurance, for any personnel action taken in good faith as a result of or arising out of an investigation of child abuse or neglect at that facility, if that action was based on a recommendation or suggestion of the Department of Human Services.

2. Individual members of the governing authority. Members of the governing authority of a day care facility licensed under Title 22, chapter 1663 or chapter 1673 are not personally liable for any monetary award of damages for any personnel action taken in good faith as a result of or arising out of an investigation of child abuse or neglect at that facility, if the action was based on a recommendation or suggestion of the Department of Human Services.

3. Just cause for personnel action. This section does not preclude an employee from seeking nonmonetary damages in court action to determine if there was just cause for his discharge or suspension.

4. Sunset provision. This section is repealed October 1, 1987.

Effective September 19, 1985.

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## CHAPTER 381

H.P. 736 - L.D. 1045

AN ACT to Provide Funding for the Maine State  
Housing Authority H.O.M.E. Program and  
Adjust the Real Estate Transfer Tax.

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

Sec. 1. 36 MRSA §4641-A, as amended by PL 1983, c. 859, Pt. M, §§9 and 13, is further amended to read:

§4641-A. Rate of tax