

# 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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§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 This section is repealed October 1, 1987.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

There is imposed upon each the grantor and the grantee a tax upon the privilege of transferring and receiving title to real property at the rate of \$1.10 for each \$500 or fractional part thereof, of consideration therefor. The grantor shall be liable for payment of the tax.

Sec. 2. 36 MRSA §4641-B, as amended by PL 1983, c. 859, Pt. M, §10, is further amended by adding at the end a new paragraph to read:

The State Tax Assessor shall pay all net receipts to the Treasurer of State, who shall credit 1/2 of the revenue to the General Fund and who shall monthly pay the remaining 1/2 to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30, section 4733.

Sec. 3. 36 MRSA §4641-N is enacted to read:

§4641-N. Review

The Maine State Housing Authority shall submit a report to the joint standing committee of the Legislature having jurisdiction over taxation by April 1, 1987, and each 2 years thereafter. The report shall cover the 2 prior fiscal years of the authority and shall identify the amount of revenues under this chapter that have been credited to the Housing Opportunities for Maine Fund and the manner in which those funds have been used. The committee shall review that report by May 1st of the year in which it is received.

Sec. 4. Allocation. The following funds are allocated for the fiscal years ending June 30, 1986, and June 30, 1987, for the purposes specified in this Act and shall be segregated, apportioned and disbursed as follows:

	<u>1985-86</u>	<u>1986-87</u>
<u>MAINE STATE HOUSING AUTHORITY</u>		
Unallocated	\$2,300,000	\$2,100,000

This allocation is an estimate of the amount of revenues that will be apportioned to the Housing

Opportunities for Maine Fund under the Maine Revised Statute, Title 36, section 4641-B. This estimate is not intended to limit the duty of the Treasurer of State to make payments to that fund as provided in section 4641-B or the authority of the Maine State Housing Authority to use the receipts of the fund, including those which exceed the amounts provided by this allocation, for the purposes specified in the Maine Revised Statutes, Title 30, chapter 239, subchapter II.

Effective September 19, 1985.

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## CHAPTER 382

S.P. 415 - L.D. 1145

### AN ACT to Protect Works of Art.

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

27 MRSA §303 is enacted to read:

§303. Preservation of works of art

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

A. "Artist" means the creator of the work of fine art.

B. "Conservation" means acts taken to correct deterioration and alteration and acts taken to prevent, stop or retard deterioration.