

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 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

Witnesses, other than members of the State Police or municipal police officers law enforcement officers testifying in their official capacity, in the Supreme Judicial Court, the Superior Court, the District Court or in the Probate Court, unless the court shall otherwise order, shall receive \$10, and before referees, auditors or commissioners specially appointed to take testimony or special commissioners on disputed claims appointed by Probate Courts, \$10, or before the county commissioners, \$10 for each day's attendance and 22% a mile for each mile's travel going and returning home. The court in its discretion may allow at the trial of any cause, civil or criminal, in said the Supreme Judicial Court ~~or~~, the Superior Court or the District Court, a reasonable sum for each day's attendance of any expert witness or witnesses at said the trial, in taxing the costs of the prevailing party, and the expense of all expert witnesses for the State in murder cases shall be paid by the State and charged against the appropriation for the Department of the Attorney General. Such party or his attorney of record shall first file an affidavit within 30 days after entry of judgment and before the cause is settled, stating the name, residence, number of days in attendance and the actual amount paid or to be paid each expert witness in attendance at such trial. No more than \$10 per day ~~shall~~ may be allowed or taxed by the clerk of courts in the costs of any civil action for the per diem attendance of a witness, unless the affidavit is filed, and the per diem is determined and allowed by the presiding justice.

Effective September 19, 1985.

CHAPTER 385

H.P. 925 - L.D. 1327

**AN ACT Relating to a Grievance Procedure
Concerning Discrimination on the Basis
of Handicap.**

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

Whereas, federal law requires that recipients of certain federal funds adopt a grievance procedure for people alleging discrimination on the basis of handicap, which is prohibited by United States Code, Title 29, Section 794; and

Whereas, failure of recipient state agencies to adopt a grievance procedure, which failure constitutes noncompliance with United States Code, Title 29, Section 794, can result in federal fiscal sanctions and in lawsuits by aggrieved citizens based on the agencies' failure to comply; and

Whereas, it is important for the State to institute a grievance procedure to avoid noncompliance sanctions and to afford aggrieved citizens their right to grieve; 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:

22 MRSA §42-B is enacted' to read:

§42-B. Adoption of a grievance procedure concerning discrimination on the basis of handicap

The commissioner shall adopt rules pursuant to Title 5, subchapter II, to create a grievance procedure applicable to all bodies of State Government in accordance with 45 Code of Federal Regulations, Section 84.7. To the extent that a grievance procedure adopted under this section conflicts with a grievance procedure otherwise adopted by a state agency to comply with 45 Code of Federal Regulations, Section 84.7, the procedure adopted under this section shall control, except in cases of conflict with other federal regulations.

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

Effective June 21, 1985.

CHAPTER 386

H.P. 1008 - L.D. 1456

AN ACT to Amend the Laws Concerning Immunity
so as to Address Juvenile Crime.