

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

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.

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

Sec. 1. 15 MRSA §1314-A, as enacted by PL 1967, c. 526, is amended to read:

§1314-A. Compelling evidence in criminal proceedings; immunity

In any criminal proceeding before a court or grand jury, or in any juvenile proceeding before a court, if a person refuses to answer questions or produce evidence of any kind on the ground that he may be incriminated thereby, and if the prosecuting attorney, in writing, and with the written approval of the Attorney General, requests the court to order that person to answer the questions or produce the evidence, and the court after notice to the witness and hearing shall so order, unless it finds to do so would be clearly contrary to the public interest, that person shall comply with the order. After complying, and if, but for this section, he would have had the right to withhold the answers given or the evidence produced by him, that person shall not be prosecuted or subjected to penalty ~~or~~ forfeiture or adjudication for or on account of any transaction, matter or thing concerning which, in accordance with the order, he gave answer or produced evidence. Failure to answer questions or produce evidence as ordered by the court following notice and hearing shall constitute contempt of court. He may nevertheless be prosecuted or subjected to penalty ~~or~~ forfeiture or adjudication for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing or failing to produce evidence, in accordance with the order.

Effective September 19, 1985.

CHAPTER 387

H.P. 1020 - L.D. 1473

AN ACT to Allow the New Spouse of a Remarried Retirement System Member to be Covered After the Member's Death.

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

5 MRSA §1126, sub-§3 is enacted to read: