

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

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AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
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1987

advertised for 3 consecutive weeks in a newspaper of general circulation in the county in which the property is located. The notice shall describe the real estate which is to be assessed so that a reasonable person may know, with probable certainty, what premises are to be subject to the tax, together with a statement that the property is to be assessed to an unknown owner as the result of the failure of a reasonable search to ascertain an owner of record. This newspaper publication shall be sufficient legal notice of that assessment. At the time of this publication, a copy of the same notice shall be sent by certified mail, return receipt requested, to each abutting property owner.

When this notice procedure is used for assessment purposes and if the owner of property is still unknown, the tax collector and treasurer shall use the same procedure for those notices required under sections 942 and 943.

Effective August 4, 1988.

CHAPTER 618

S.P. 865 — L.D. 2254

AN ACT Pertaining to Fire Permit Enforcement.

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

Sec. 1. 12 MRSA §9321, sub-§5-A is enacted to read:

5-A. Notification. Any person authorized by this subchapter to issue permits for open burning who issues a permit for out-of-door burning within a municipality shall notify the municipal officers or fire chief of that municipality that the permit has been issued.

Sec. 2. 12 MRSA §9321-A is enacted to read:

§9321-A. Possession and production of permit required; violation

1. Possession and production of permit in organized territory. Any person, firm or corporation which engages in out-of-door burning in any municipality, plantation or village corporation as permitted by this article shall possess the permit at the scene of the burning and shall produce the permit on the demand of authorized persons, including fire chiefs, town forest fire wardens or their designated agents, state forest rangers and any law enforcement officer as defined in Title 17-A.

2. Violation. Any person, firm or corporation which violates this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

Effective August 4, 1988.

CHAPTER 619

H.P. 1517 — L.D. 2070

AN ACT to Require Dealers in All-Terrain Vehicles to Provide Written Warranties.

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

Sec. 1. 12 MRSA 7851, sub-§2, as enacted by PL 1983, c. 297, §§1 and 3, is amended to read:

2. All-terrain vehicle. "All-terrain vehicle" means a motor driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-track, multi-wheel or low pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this subchapter, "all-terrain vehicle" does not include an automobile as defined in Title 29, section 1, subsection 1-C; a motor truck as defined in Title 29, section 1, subsection 6; a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

Sec. 2. 12 MRSA §7855, sub-§6 is enacted to read:

6. Warranties and information on used ATV's. Any dealer who offers a warranty in connection with the sale or transfer of a used ATV shall furnish a written statement concerning that warranty. The statement regarding the warranty shall indicate the parts or systems of the vehicle that are covered and those not covered by the warranty and what the dealer will do in the event of a defect and at whose expense.

The dealer shall also furnish before sale a written statement identifying any and all defects known to the dealer and any type of damage that the vehicle has sustained if such information is known to the dealer.

Effective August 4, 1988.

CHAPTER 620

H.P. 1809 — L.D. 2475

AN ACT to Clarify the Access of the Commissioner of Educational and Cultural Services to Employee Records for Certification of Educational Personnel.

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

Sec. 1. 20-A MRSA §6101, sub-§2, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. Except as provided in paragraph A, information in any form relating to an employee or applicant for employment, or to the employee's immediate family, shall be kept confidential if it relates to the following:

- (1) All information, working papers and examinations used in the examination or evaluation of all applicants for employment;
- (2) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
- (3) Performance evaluations, personal references and other reports and evaluations reflecting on the quality or adequacy of the employee's work or general character compiled and maintained for employment purposes;
- (4) Credit information;
- (5) Except as provided by subsection 1, the personal history, general character or conduct of the employee or any member of the employee's immediate family;
- (6) Complaints, charges of misconduct, replies thereto and memoranda and other materials pertaining to disciplinary action; ~~and~~
- (7) Social security number; and
- (8) The teacher action plan and support system documents and reports maintained for certification purposes.

Sec. 2. 20-A MRSA §6101, sub-§3, as amended by PL 1985, c. 506, Pt. A, §37, is further amended to read:

3. Commissioner's review. The commissioner shall have access to any of the records or documents designated as confidential in this section for carrying out the commissioner's duties pursuant to ~~sections 13001 to 13003 and chapter 502~~ section 13020. Copies of any such records or documents shall simultaneously be provided to the employee.

The commissioner shall also have access to support system documents for carrying out the commissioner's certification and support system approval duties pursuant to chapter 502 and to other confidential employee records for carrying out the commissioner's school approval duties pursuant to chapter 206.

Sec. 3. 20-A MRSA §6102, as enacted by PL 1981, c. 693, §§ 5 and 8, is amended to read:

§6102. Employee review

The following provisions apply to employee review of records.

1. Right to review. An employee or former employee of a school administrative unit, or the employee's representative, is entitled to review the ~~employee's personnel file on written request to the superintendent if the superintendent of schools has a personnel file for the employee.~~ following documents and reports:

A. The employee's teacher action plan and other support system documents and reports maintained for certification purposes upon written request to the custodian designated to maintain those records;

B. The employee's personnel file on written request to the superintendent if the superintendent of schools has a personnel file for the employee; and

C. Any confidential records or documents provided to the commissioner pursuant to section 6101, subsection 3, if the records or documents were not simultaneously provided to the employee.

2. Time and place. Review of support system documents or a personnel file shall take place where the file is kept during normal school hours.

3. Contents. For purposes of this section, a "personal file" includes, but is not limited to:

A. Formal or informal employee work evaluation compiled and maintained for employment purposes; and

B. Reports relating to the employee's character, credit, work habits, compensation and benefits.

Effective August 4, 1988.

CHAPTER 621

S.P. 759 — L.D. 2022

AN ACT to Enforce 3rd-Party Liability Reimbursement for Medicaid Recipients as Required by Title XIX of the Social Security Act.

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

22 MRSA §14, sub-§§2-D, 2-E and 2-F are enacted to read:

2-D. Notification of claim. A Medicaid recipient, or any attorney representing a Medicaid recipient, who makes a claim to recover the medical cost of injury, disease, disability or similar occurrence for which the party received medical benefits under the Medicaid program, pursuant to the United States Social Security Act, Title XIX, shall advise the department in writing with infor-