

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

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

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-

mation as required by the department of the existence of the claim.

2-E. Notification of pleading. In any action to recover the medical cost of injury, disease, disability or similar occurrence for which the party received medical benefits under the Medicaid program, the party bringing the action shall notify the department of that action at least 10 days prior to filing the pleadings. Department records indicating medical benefits paid by the department on behalf of the recipient shall be prima facie evidence of the medical expenses incurred by the recipient for the related medical services.

2-F. Disbursement. No disbursement of any award, judgment or settlement may be made to a recipient without the recipient or the recipient's attorney first providing at least 10 days' written notice to the department of the award, judgment or settlement or obtaining from the department a release of any obligation owed to it for medical benefits provided to the recipient.

Effective August 4, 1988.

CHAPTER 622

S.P. 780 — L.D. 2037

AN ACT to Conserve Striped Bass.

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

Whereas, the interstate management of Atlantic coast striped bass requires a minimum size limit of 33 inches in total length for Chesapeake Bay stock; and

Whereas, the State's minimum size of striped bass is 24 inches in fork length as of December 31, 1987; and

Whereas, Chesapeake Bay striped bass will migrate into state waters by May 1988; and

Whereas, failure to protect Chesapeake Bay striped bass under 33 inches in total length could lead to a federal moratorium on the taking of striped bass in state waters; 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:

Sec. 1. 12 MRSA §6555, as amended by PL 1987, c. 513, §§6 and 7, is repealed and the following enacted in its place:

§6555. Striped bass; method of taking

It is unlawful to fish for or take striped bass in the waters of the State, except by hook and line.

It is unlawful to take or possess striped bass which are less than 33 inches in total length. It is unlawful to possess striped bass unless the fish are whole with head on and are 33 inches or more in total length.

Sec. 2. 12 MRSA §6556, as repealed and replaced by PL 1985, c. 596, §§4 and 5, is repealed and the following enacted in its place:

§6556. Striped bass; limits; personal use

It is unlawful for any person to fish for or take striped bass in the waters of the State, except for personal use.

It is unlawful for any person to take or possess more than 2 striped bass each day.

Sec. 3. 12 MRSA §6556-A is enacted to read:

§6556-A. Striped bass; modification of requirements

The commissioner may, by rule adopted pursuant to Title 5, chapter 375, modify the requirements of sections 6555 and 6556 to the extent that modifications are adopted by the Atlantic States Marine Fisheries Commission for the purposes of conserving striped bass.

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

Effective March 23, 1988.

CHAPTER 623

H.P. 1598 — L.D. 2184

AN ACT to Make Corrections in the Recodification of the Liquor Laws.

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

Sec. 1. 28 MRSA §52, as repealed by PL 1987, c. 45, Pt. A, §3 and as amended by PL 1987, c. 349, Pt. H, §16, is repealed.

Sec. 2. 28 MRSA §101, as repealed by PL 1987, c. 45, Pt. A, §3 and as amended by PL 1987, c. 54, §1, is repealed.

Sec. 3. 28 MRSA §103, as repealed by PL 1987, c. 45, Pt. A, §3 and as amended by PL 1987, c. 54, §2, is repealed.

Sec. 4. 28-A MRSA §61, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read: