

# 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.

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Twin City Printery  
Lewiston, Maine  
1988

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**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

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Sec. 2. 26 MRSA §979-Q, sub-§2 is enacted to read:

2. Disclosure of certain information for grievance and other proceedings. The Director of Human Resources may release to the Director of Employee Relations specific information designated confidential by this subsection which has been requested by the Director of Employee Relations to be used in negotiations, mediation, fact-finding, arbitration, grievance proceedings and other proceedings in which the Director of Employee Relations represents the State as defined in this subsection. For the purpose of this subsection, "other proceedings" means unemployment compensation proceedings, workers' compensation proceedings, human rights proceedings and labor relations proceedings.

Confidential information provided under this subsection to the Bureau of Employee Relations shall be governed by the following.

A. The information to be released shall be information only as necessary and directly related to the proceeding as determined by the Director of Human Resources.

B. The Director of Employee Relations shall specify in writing the confidential information required in the proceedings and the reasons explaining the need for the information, and shall provide a copy of the written request to the employee or employees.

C. The proceeding for which the confidential information is provided shall be private and not open to the public; or, if the proceeding is open to the public, the confidential information shall not be disclosed except exclusively in the presence of the fact finder, the parties and counsel of record, and the employee who is the subject of the proceeding and provisions are made to ensure that there is no public access to the confidential information.

The Director of Employee Relations may use this information in grievance proceedings and provide copies to the employee organization that is a party to the proceedings, provided the information is directly related to those proceedings as defined by the applicable collective bargaining agreement. Confidential personnel records in the possession of the Bureau of Employee Relations shall not be open to public inspection and shall not be "public records," as defined in Title 1, section 402, subsection 3.

Effective August 4, 1988.

## CHAPTER 674

H.P. 1772 — L.D. 2425

### AN ACT Concerning Safety Hazards on Maine Lakes.

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

Whereas, the marking of safety hazards on Maine's lakes is necessary for the coming boating season; and

Whereas, this Act will not become effective until after the majority of the boating season has passed, unless enacted as an emergency; 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. 38 MRSA §321, as amended by PL 1973, c. 460, §19, is further amended by adding at the end 3 new paragraphs to read:

If the Bureau of Parks and Recreation, after written request from the governing body of any city or town either declines to mark a waterway or is unable to mark a waterway, then the governing body of the city or town may mark hazards to boating on waterways within its jurisdiction. The Bureau of Parks and Recreation shall be deemed to have declined to mark a particular waterway if the bureau does not respond to a request within 30 days.

The Bureau of Parks and Recreation may at any time reverse a decision not to mark a certain waterway or portion of that waterway and replace any existing markings in accordance with the rules of uniform marking promulgated by the bureau.

Sec. 2. 38 MRSA §329, first ¶, as repealed and replaced by PL 1977, c. 696, §341, is repealed.

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

Effective April 6, 1988.

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## CHAPTER 675

H.P. 1624 — L.D. 2219

### AN ACT to Permit the Department of Transportation to Exempt Certain Railroad Crossings from Requirements to Stop.

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

29 MRSA §998-B, sub-§3, ¶C, as enacted by PL 1985, c. 812, Pt. C, §4, is repealed and the following enacted in its place:

C. A railroad crossing on a line having no or limited rail traffic may be posted as an exempt crossing by