

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

Sec. 4. 17-A MRSA §851, sub-§1-A, as enacted by PL 1981, c. 611, §1, is amended to read:

1-A. "Engages a prostitute" means providing or agreeing to provide, either to the person whose prostitution is sought or to a 3rd person, pecuniary benefit in return for ~~sexual intercourse or~~ a sexual act as defined in section 251;

Sec. 5. 17-A MRSA §851, sub-§2, ¶B, as repealed and replaced by PL 1977, c. 671, §25-A, is amended to read:

B. Publicly soliciting patrons for prostitution. Publicly soliciting patrons for prostitution shall include, but not be limited to, an offer, made in a public place, to engage in ~~sexual intercourse or~~ a sexual act, as defined in ~~chapter 11~~, section 251, in return for a pecuniary benefit to be received by the person making the offer or a 3rd person; or

Sec. 6. 17-A MRSA §854, sub-§1, ¶A, as amended by PL 1975, c. 740, §90, is further amended to read:

A. In a public place;

(1) ~~he~~ The actor engages in ~~sexual intercourse or~~ a sexual act, as defined in ~~chapter 11~~, section 251; or

(2) ~~he~~ The actor knowingly exposes ~~his~~ the actor's genitals under circumstances which, in fact, are likely to cause affront or alarm; or

Sec. 7. 17-A MRSA §854, sub-§1, ¶B, as amended by PL 1975, c. 499, §1, is further amended to read:

B. In a private place, ~~he~~ the actor exposes ~~his~~ the actor's genitals with the intention that ~~he~~ the actor be seen from a public place or from another private place.

See title page for effective date.

CHAPTER 402

S.P. 486 - L.D. 1328

An Act Providing Confidentiality for Public Sector Job Applicants

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

Sec. 1. 5 MRSA §7070, sub-§1, as enacted by PL 1985, c. 785, Pt. B, §38, is repealed and the following enacted in its place:

1. Papers relating to applications, examinations or evaluations of applicants. Except as provided in this subsection, applications, resumes, letters and notes of reference, working papers, research materials, records, examinations and any other documents or records and the information they contain, solicited or prepared either by the appli-

cant or the State for use in the examination or evaluation of applicants for positions as state employees.

A. Notwithstanding any confidentiality provision other than this subsection, applications, resumes and letters and notes of reference, other than those letters and notes of reference expressly submitted in confidence, pertaining to the applicant hired are public records after the applicant is hired.

B. Telephone numbers are not public records if they are designated as "unlisted" or "unpublished" in an application, resume or letter or note of reference.

C. This subsection does not preclude union representatives from access to personnel records, consistent with subsection 4, which may be necessary for the bargaining agent to carry out its collective bargaining responsibilities. Any records available to union representatives which are otherwise covered by this subsection shall remain confidential and are not open to public inspection;

Sec. 2. 30-A MRSA §503, sub-§1, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106; and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

A. Except as provided in this paragraph, applications, resumes, letters and notes of reference, working papers, research materials, records, examinations and any other documents or records and the information they contain, solicited or prepared either by the applicant or the county for use in the examination or evaluation of applicants for positions as county employees.

(1) Notwithstanding any confidentiality provision other than this paragraph, applications, resumes and letters and notes of reference, other than those letters and notes of reference expressly submitted in confidence, pertaining to the applicant hired are public records after the applicant is hired.

(2) Telephone numbers are not public records if they are designated as "unlisted" or "unpublished" in an application, resume or letter or note of reference.

(3) This paragraph does not preclude union representatives from access to personnel records which may be necessary for the bargaining agent to carry out its collective bargaining responsibilities. Any records available to union representatives which are otherwise covered by this subsection shall remain confidential and are not open to public inspection;

Sec. 3. 30-A MRSA §2702, sub-§1, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106; and as

amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

A. Except as provided in this paragraph, applications, resumes, letters and notes of reference, working papers, research materials, records, examinations and any other documents or records and the information they contain, solicited or prepared either by the applicant or the municipality for use in the examination or evaluation of applicants for positions as municipal employees.

(1) Notwithstanding any confidentiality provision other than this paragraph, applications, resumes and letters and notes of reference, other than those letters and notes of reference expressly submitted in confidence, pertaining to the applicant hired are public records after the applicant is hired.

(2) Telephone numbers are not public records if they are designated as "unlisted" or "unpublished" in an application, resume or letter or note of reference.

(3) This paragraph does not preclude union representatives from access to personnel records which may be necessary for the bargaining agent to carry out its collective bargaining responsibilities. Any records available to union representatives which are otherwise covered by this subsection shall remain confidential and are not open to public inspection;

See title page for effective date.

CHAPTER 403

S.P. 585 - L.D. 1647

An Act to Amend the Mandatory Shoreland Zoning Law

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

Sec. 1. 12 MRSA §4812-D, as enacted by PL 1985, c. 488, §3, is reallocated to 38 MRSA §449.

Sec. 2. 12 MRSA §4818, as enacted by PL 1985, c. 236, is repealed.

Sec. 3. 38 MRSA §435, as repealed and replaced by PL 1987, c. 815, §§1 and 11, is amended to read:

§435. Shoreland areas

To aid in the fulfillment of the State's role as trustee of its waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that

shoreland areas be subject to zoning and land use controls. Shoreland areas include those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, or within 250 feet of the upland edge of a coastal or freshwater wetland, or within 75 feet of the high-water line of a stream. The purposes of these controls are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

It is further declared that, in accordance with Title 12, section 402, certain river and stream segments, as identified in the Department of Conservation's 1982 Maine Rivers Study and as specifically delineated in section 437, are significant river segments and deserve special shoreland zoning controls designed to protect their natural and recreational features.

Zoning ordinances adopted pursuant to this article need not depend upon the existence of a zoning ordinance for all of the land and water areas within a municipality, notwithstanding Title 30 30-A, section 4962 4503, as it is the intention of the Legislature to recognize that it is reasonable for municipalities to treat shoreland areas specially and immediately to zone around water bodies rather than to wait until such time as zoning ordinances may be enacted for all of the land within municipal boundaries.

All existing municipal ordinances dealing with subjects of this section currently in effect and operational on April 18, 1986, are declared to be valid and shall continue in effect until rescinded, amended or changed according to municipal ordinance, charter or state law.

Sec. 4. 38 MRSA §436-A, sub-§§1, 5, 7 and 11, as enacted by PL 1987, c. 815, §§3 and 11, are amended to read:

1. Coastal wetlands. "Coastal wetlands" means all tidal and subtidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action ~~or normal storm flowage at any time except during periods of the maximum storm activity spring tide level as identified in tide tables published by the National Ocean Service.~~ Coastal wetlands may include portions of coastal sand dunes.

5. Freshwater wetlands. "Freshwater wetlands" means freshwater swamps, marshes, bogs and similar areas which are: