

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
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a physical or mental handicap, ~~or~~ national origin; or race is recognized and declared to be a civil right.

**Sec. 2. 5 MRSA §4602, sub-§3**, as enacted by PL 1989, c. 725, §2, is amended to read:

**3. Unlawful educational discrimination on the basis of national origin or race.** It is unlawful educational discrimination in violation of this Act, on the basis of national origin; or race, to:

A. Exclude a person from participation in, deny a person the benefits of, or subject a person to, discrimination in any academic, extracurricular, research, occupational training or other program or activity;

B. Deny admission to the institution or program or to fail to provide equal access to and information about an institution or program through recruitment; or

C. Deny financial assistance availability and opportunity.

See title page for effective date.

## CHAPTER 101

H.P. 621 - L.D. 891

### An Act to Clarify the Obligation of District Attorneys to Pay for Physical Examinations of Certain Crime Victims

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

**30-A MRSA §287, sub-§§1 and 2**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are repealed and the following enacted in their place:

**1. Payment of expenses by district attorney.** Except as provided in subsection 2, in all cases reported to a law enforcement officer of sexual abuse of minors, assault when serious bodily injury has been inflicted and gross sexual assault, the office of the district attorney of the county in which the alleged crime occurred shall pay the expenses of a physical examination of the victim conducted for the purpose of obtaining evidence for the prosecution.

**2. Limitation.** The district attorney is required to pay the expenses for the physical examination of a victim in accordance with subsection 1 only in the absence of medical insurance or other 3rd-party coverage of the expenses of examination and only from a fund or account appropriated for that purpose. The office of the district attorney is not liable for the payment of any charges, costs or fees for an examination under subsection 1 until the district attorney has received copies of all reports and records pertaining to the examination, if the copies have been requested.

See title page for effective date.

## CHAPTER 102

S.P. 276 - L.D. 735

### An Act to Amend the Laws Concerning Removal or Destruction of Landmark Locations by State Departments

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

**14 MRSA §7554-A, sub-§2**, as enacted by PL 1973, c. 81, is amended to read:

**2. Payment.** The appropriate department may make reasonable payment to affected property owners ~~not to exceed \$100 as a landmark location allowance~~ for the cost of reestablishing the landmark location.

See title page for effective date.

## CHAPTER 103

H.P. 517 - L.D. 745

### An Act to Amend the Laws Regarding State Assistance to Mass Transportation

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

**23 MRSA §4209, sub-§3, 1B**, as amended by PL 1985, c. 174, Pt. E, is further amended to read:

B. Capital assistance to transportation providers for up to ~~42~~ 100% of the nonfederal share required by federal assistance programs;

See title page for effective date.

## CHAPTER 104

H.P. 391 - L.D. 565

### An Act to Clarify the Licensing Status of Acute Care Units at State Mental Health Institutes

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

**Whereas**, the conditional licenses of the state mental health hospitals expire on July 1, 1991; and

**Whereas**, the Department of Human Services may not extend the conditional licenses without legislative approval; and

**Whereas**, licensure of the state mental health hospitals provides a quality control mechanism for patients; 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 §1813**, as repealed and replaced by PL 1989, c. 875, Pt. E, §34 and c. 878, Pt. A, §59, is repealed and the following enacted in its place:

**§1813. Licenses for new and existing hospitals**

A person, partnership, association or corporation or any state, county or local governmental unit may not continue to operate an existing hospital, sanatorium, convalescent home, rest home, nursing home or ambulatory surgical facility or open a hospital, sanatorium, convalescent home, rest home, nursing home or ambulatory surgical facility unless the operation is approved and regularly licensed by the State.

Notwithstanding any other provision of this Title, a state-operated mental health hospital subject to licensure may have its current conditional license extended until January 1, 1993. By January 1, 1993, the department shall adopt rules that apply specifically to the licensure of psychiatric and mental health hospitals. Until those rules are adopted, the department shall apply existing hospital licensure rules to psychiatric and mental health hospitals.

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

Effective May 7, 1991.

**CHAPTER 105**

**H.P. 267 - L.D. 387**

**An Act to Amend Employment Practices Regarding Employee Personnel Files**

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

**26 MRSA §631**, as amended by PL 1989, c. 178, is further amended to read:

**§631. Employee right to review personnel file**

The employer shall, upon written request from an employee or former employee, provide the employee, former employee or duly authorized representative with an opportunity to review and copy the employee's personnel file if the employer has a personnel file for that employee. The reviews

~~shall and copying must~~ take place at the location where the personnel files are maintained and during normal office hours unless, at the employer's discretion, a more convenient time and location for the employee are arranged. The cost of copying is paid by the person requesting the copy. The employer may at the employer's discretion allow the review to take place at such other location and time as would be more convenient for the employee. For the purpose of this section, a personnel file ~~shall include~~ includes, but is not be limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits and nonprivileged medical records or nurses' station notes relating to the employee which the employer has in the employer's possession. Any employer who, following a request pursuant to this section, without good cause fails to provide an opportunity for review and copying of a personnel file, within 10 days of receipt of that request, ~~shall be~~ is subject to a civil forfeiture of \$25 for each day that ~~such~~ a failure continues. The total forfeiture may not exceed \$500. For the purposes of this section, the term "nonprivileged medical records or nurses' station notes" means all ~~such~~ those materials that have not been found to be protected from discovery or disclosure in the course of civil litigation under the Maine Rules of Civil Procedure, Rule 26, the Maine Rules of Evidence, Article V or similar rules adopted by the Workers' Compensation Commission or other administrative tribunals.

See title page for effective date.

**CHAPTER 106**

**H.P. 497 - L.D. 691**

**An Act to Prohibit Refusal to Issue Automobile Insurance Solely because the Applicant Has Reached the Age of 65**

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

**24-A MRSA §2902-C** is enacted to read:

**§2902-C. Refusal to issue insurance prohibited**

No insurer may refuse to issue motor vehicle liability insurance to an applicant solely because the applicant is 65 years of age or older.

See title page for effective date.

**CHAPTER 107**

**S.P. 280 - L.D. 739**

**An Act Regarding Moose Permits for People Called to Serve in an Armed Conflict**

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