

# 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**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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proceedings unless it appears that the person making it will fully claim more than his that person's due.

See title page for effective date.

## CHAPTER 226

S.P. 426 - L.D. 1138

### An Act to Clarify the Regulation of Water Districts

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

**30-A MRSA §2357, sub-§3** is enacted to read:

**3. Exemption.** This section does not apply to any public utility, as defined in Title 35-A, section 102, subsection 13, regulated by the Public Utilities Commission.

See title page for effective date.

## CHAPTER 227

H.P. 91 - L.D. 132

### An Act Concerning Purchases of Alcohol from Agency Stores

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

**Whereas**, this Act enables restaurants in the State to more easily procure supplies for their businesses; and

**Whereas**, supporting the restaurant business is especially important to the State's economy during the summer tourist season; 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. 28-A MRSA §606, sub-§1**, as amended by PL 1987, c. 342, §28, is further amended to read:

**1. All licensees must buy liquor from commission; exception.** Except as provided in paragraph A this subsection and subsection 1-A, all persons licensed to sell spirits shall purchase all such liquor from state liquor stores. Agency liquor stores may not sell liquor to retail licensees for resale.

A. This subsection does not apply to public service corporations operating interstate.

**Sec. 2. 28-A MRSA §606, sub-§1-A** is enacted to read:

**1-A. Exception.** Notwithstanding subsection 1, a restaurant located at least 15 miles from a state liquor store may purchase spirits from an agency liquor store in accordance with this subsection.

A. Before purchasing spirits from an agency liquor store, a restaurant must obtain written approval from the Bureau of Alcoholic Beverages. The bureau shall grant approval for the restaurant to purchase spirits at one or more identified agency liquor stores for as long as the locations of the restaurant and the agency liquor stores remain the same, if the restaurant is at least 15 miles from the nearest state liquor store.

B. Before selling to a restaurant, an agency liquor store must obtain written approval from the Bureau of Alcoholic Beverages. Approval of the agency liquor store permits that store to sell spirits to any restaurant that has written approval to purchase from that identified agency liquor store.

C. The sale price of spirits sold to restaurants under this subsection must equal the retail sales price set by the State Liquor Commission for sales of those spirits plus an amount equal to the difference between the wholesale price of those spirits and the retail selling price.

D. When an agency liquor store purchases spirits from the commission or from a state liquor store, the agency liquor store must deliver to the commission or the state liquor store, for each sale made pursuant to this subsection since the previous purchase of spirits, a copy of the licensee order form and the amount added to the retail sales price pursuant to paragraph C. The commission or the state liquor store must pay the amount added to the retail sales price pursuant to paragraph C to the Bureau of Alcoholic Beverages.

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

Effective May 31, 1991.

## CHAPTER 228

H.P. 899 - L.D. 1296

### An Act to Clarify Municipal Authority in Regulating Activities on Local Water Bodies Concerning Fishing or Ice Fishing

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

12 MRSA §7035, sub-§1, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. No municipality or political subdivision of the State ~~shall~~ may enact any ordinance, law or rule regulating the hunting, trapping or fishing for any species of fish or wildlife, the operation, registration or numbering of watercraft or snowmobiles, or any other subject matter of chapter 715, subchapters I and II. For purposes of this paragraph, the regulation of fishing includes the regulation of ice fishing shacks. Nothing in this paragraph ~~is to~~ may be construed to prohibit the following:

- (1) The enactment of any ordinance generally regulating the discharge of firearms in a municipality or any part of a municipality; and
- (2) The adoption of rules as authorized in section 7792.

See title page for effective date.

## CHAPTER 229

S.P. 322 - L.D. 878

### An Act to Clarify the Confidentiality of Public Employee Disciplinary Records

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

Sec. 1. 5 MRSA §7070, sub-§2, ¶E, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

E. Complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action ~~shall~~ is no longer ~~be~~ confidential after ~~it~~ the decision is completed; ~~and.~~

For purposes of this paragraph, "final written decision" means:

- (1) The final written administrative decision that is not appealed pursuant to a grievance arbitration procedure; or
- (2) If the final written administrative decision is appealed to arbitration, the final written decision of a neutral arbitrator.

A final written administrative decision that is appealed to arbitration is no longer confidential 120 days after a written request for the decision is made to the employer if the final written decision of the neutral arbitrator is not issued and released before the expiration of the 120 days;

Sec. 2. 30-A MRSA §503, sub-§1, ¶B, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

B. County records containing the following:

- (1) Medical information of any kind, including information pertaining to the diagnosis or treatment of mental or emotional disorders;
- (2) Performance evaluations and personal references submitted in confidence;
- (3) Information pertaining to the ~~credit worthiness~~ creditworthiness of a named employee;
- (4) Information pertaining to the personal history, general character or conduct of members of an employee's immediate family; and
- (5) Complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action is no longer confidential after ~~it~~ the decision is completed; ~~and.~~

For purposes of this subparagraph, "final written decision" means:

- (a) The final written administrative decision that is not appealed pursuant to a grievance arbitration procedure; or
- (b) If the final written administrative decision is appealed to arbitration, the final written decision of a neutral arbitrator.

A final written administrative decision that is appealed to arbitration is no longer confidential 120 days after a written request for the decision is made to the employer if the final written decision of the neutral arbitrator is not issued and released before the expiration of the 120 days; and

Sec. 3. 30-A MRSA §2702, sub-§1, ¶B, as amended by PL 1989, c. 104, Pt. A, §25 and Pt. C, §§8 and 10, is further amended to read:

B. Municipal records pertaining to an identifiable employee and containing the following:

- (1) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
- (2) Performance evaluations and personal references submitted in confidence;