

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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;

(3) Information pertaining to the ~~credit worthi-
ness~~ creditworthiness of a named employee;

(4) Information pertaining to the personal his-
tory, general character or conduct of members
of an employee's immediate family; and

(5) Complaints, charges or accusations of mis-
conduct, replies to those complaints, charges or
accusations and any other information or mate-
rials that may result in disciplinary action. If
disciplinary action is taken, the final written de-
cision relating to that action is no longer confi-
dential after ~~it~~ the decision is completed. The
decision ~~shall~~ must state the conduct or other
facts on the basis of which disciplinary action is
being imposed and the conclusions of the acting
authority as to the reasons for that action; ~~and,~~

For purposes of this subparagraph, "final writ-
ten decision" means:

(a) The final written administrative deci-
sion 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 arbitra-
tor.

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

See title page for effective date.

CHAPTER 230

S.P. 354 - L.D. 956

An Act to Clarify the Misbranded Food Laws

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

Sec. 1. 22 MRSA §2157, sub-§13, as enacted by PL 1989, c. 115, is amended to read:

13. Monosodium glutamate, MSG. If a person sells, offers for sale or serves in any retail store, hotel, restaurant or other public eating place any food or food product, whether or not in package form, to which that person has added monosodium glutamate directly in crystal form, unless:

A. The package in which that food or food product is offered for sale conspicuously bears a label or stamp indicating that the food or food product contains monosodium glutamate;

B. When the food or food product is offered for consumption and is not packaged, a conspicuous label or sign is placed on the food, immediately next to the food, immediately next to the food's listing on the menu, or in an open manner where the food order or food product is obtained, indicating that the food or food product contains monosodium glutamate; or

C. There is a conspicuously displayed directory to which customers can refer for information on the contents of unpackaged products offered for sale.

Sec. 2. 22 MRSA §2166, as amended by PL 1985, c. 49, §2, is further amended by adding at the end a new paragraph to read:

Notwithstanding other provisions of this section, a person who violates section 2157, subsection 13 for the first time must be issued a warning only. A person who violates section 2157, subsection 13 for a 2nd or subsequent time commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

See title page for effective date.

CHAPTER 231

H.P. 518 - L.D. 746

**An Act to Improve the Administration of
Municipal Accounts**

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

36 MRSA §760-A is enacted to read:

§760-A. Minor or burdensome amounts

1. Not collected. After the date for perfection of collections, municipal officers may discharge collectors from any obligation to collect unpaid personal property taxes that the municipal officers determine are too small or too burdensome to collect economically and authorize the municipal treasurer to remove those taxes from the municipal books.

2. Discharged. Collectors shall identify the unpaid taxes discharged under subsection 1 on the tax lists.

See title page for effective date.