

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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 2. 20-A MRSA §5205, sub-§6, ¶D, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

D. For purposes of the state school subsidy, a student transferred under this subsection ~~shall be~~ is considered a resident of the school administrative unit to which transferred. ~~For purposes of local leeway under section 15511, subsection 3, a student transferred under this subsection shall be considered a resident of the largest municipality in the school administrative unit to which transferred.~~ Upon request of the superintendent of schools in the unit in which a student is placed in accordance with this subsection, the state share percentage for subsidized educational costs for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or can not be located, the subsidy is the state average subsidy.

Sec. 3. 20-A MRSA §5814, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§5814. Students not residing with parent or guardian

Whenever a student is ~~in the custody of persons other than~~ not residing with that student's parents or legal guardians because of a broken home ~~home~~ or intolerable home conditions, the unit where the student is ~~placed for~~ attends school purposes may apply to the commissioner for a determination regarding which unit shall pay the cost of educating such a student. The determination of the commissioner ~~shall be~~ is binding upon the administrative units concerned.

In cases when the commissioner determines that a school unit must pay the tuition for a student described in this section who attends school in another unit, the student is considered a resident of the unit that pays tuition. If the student is not determined to be a tuition student, the student is considered a resident student in the school unit where the student is placed. If the superintendent of the unit in which the student is placed so requests, the subsidy for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or can not be located, the subsidy is the state average subsidy.

See title page for effective date.

CHAPTER 366

H.P. 1155 - L.D. 1696

An Act Concerning the Unlawful Prohibition of Legal Activities as a Condition of Employment

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

26 MRSA §597 is enacted to read:

§597. Conditions of employment

An employer or an agent of an employer may not require, as a condition of employment, that any employee or prospective employee refrain from using tobacco products outside the course of that employment or otherwise discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment for using tobacco products outside the course of employment as long as the employee complies with any workplace policy concerning use of tobacco.

See title page for effective date.

CHAPTER 367

S.P. 566 - L.D. 1486

An Act to Continue Authority for Seasonal Agency Liquor Stores

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

Whereas, the authorization for seasonal agency liquor store licenses lapsed on January 15, 1991; and

Whereas, this legislation would enact authorization for seasonal agency liquor store licenses; and

Whereas, the summer tourist season is an appropriate time for seasonal agency liquor stores and begins before the end of the 90-day period; 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:

28-A MRSA §456-A is enacted to read:

§456-A. Special seasonal agency liquor stores

1. Licensing of seasonal agency liquor stores. The commission may issue 6-month seasonal licenses to no more than 6 special agency stores.

2. Locations and months of licenses. The commission shall determine the appropriate locations for the stores and the appropriate 6 consecutive months based on the seasonal tourist population and the sales volume at

existing state and agency liquor stores in the same areas. The 10-mile spacing requirement for location of agency liquor stores required by section 453 does not apply to special agency liquor stores licensed under this section.

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

Effective June 18, 1991.

CHAPTER 368

H.P. 1271 - L.D. 1842

An Act to Extend Confidentiality Status to Certain Records of Applicants for Housing, Community or Economic Development Activities

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

5 MRSA c. 383, sub-c. VIII is enacted to read:

SUBCHAPTER VIII

CONFIDENTIALITY OF RECORDS

§13119. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Local development corporation. "Local development corporation" means any nonprofit corporation organized by a city or town under Title 13, chapter 81 or Title 13-B.

2. Municipality. "Municipality" means any city, town or local development corporation and any board, commission, agency or authority of any such city, town or local development corporation.

3. Person. "Person" means an individual, corporation, partnership, firm, organization or other legal entity.

4. Program of assistance. "Program of assistance" means any financial or technical assistance program established or authorized by the department or a municipality and providing assistance to persons for the improvement and development of housing, community and economic development opportunities.

§13119-A. Records confidential

The following records are confidential for purposes of Title 1, section 402, subsection 3, paragraph A and are not open for public inspection:

1. Proprietary information. Information that is provided to or developed by the department or a municipality

that has to do with a program of assistance and is included in a business or marketing plan or a grant application or provided or developed to fulfill reporting requirements, as long as:

A. The person to whom the information belongs or pertains requests that it be designated as confidential; and

B. The department or municipality determines that the information gives the person making the request opportunity to obtain business or competitive advantage over another person who does not have access to that information or will result in loss of business or other significant detriment to the person making the request if access is provided to others;

2. Tax or financial information. Any financial statement, supporting data or tax return of any person;

3. Monitoring. Any financial statement, supporting data or tax return obtained or developed by the department or the municipality in connection with any monitoring or servicing activity by the department or the municipality pertaining to any program of assistance provided or to be provided;

4. Credit assessment. Any record obtained by the department or the municipality that contains an assessment of the credit worthiness, credit rating or financial condition of any person or project; and

5. Potential investors. Any record, including any financial statement or supporting data, business plan or tax return obtained or developed by the department or municipality in connection with the matching of potential investors with businesses in the State by the department or the municipality through its maintenance of a data base or other record-keeping system.

Nothing in this section prevents the disclosure of any records, correspondence or other materials to authorized officers and employees of municipal government, State Government or Federal Government for authorized use.

§13119-B. Disclosure required

Notwithstanding section 13119-A, the department or the municipality shall make available, upon request, to any person reasonably describing the records to which access is sought or, if no request is made, in any manner and at any time that the department or municipality determines appropriate, the following information.

1. Certain limited information. The following must be released after provision of assistance:

A. Names of recipients of or applicants for business assistance, including the business principals, if applicable;

B. Types and general terms of assistance provided to those recipients or requested by those applicants;