

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

to not more than 3 times the amount available under paragraph B.

Sec. 3. 35-A MRSA §7103, as amended by PL 1993, c. 589, §12, is repealed.

See title page for effective date.

CHAPTER 335

S.P. 264 - L.D. 704

An Act to Provide Limited Immunity to Former Employers Who Provide References

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

Sec. 1. 26 MRSA §598 is enacted to read:

§598. Employment reference immunity

An employer who discloses information about a former employee's job performance or work record to a prospective employer is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil liability for such disclosure or its consequences. Clear and convincing evidence of lack of good faith means evidence that clearly shows the knowing disclosure, with malicious intent, of false or deliberately misleading information. This section is supplemental to and not in derogation of any claims available to the former employee that exist under state law and any protections that are already afforded employers under state law.

See title page for effective date.

CHAPTER 336

H.P. 1044 - L.D. 1463

An Act to Prevent Master Electrician License Fee Payment Duplication

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

Sec. 1. 32 MRSA §1101, sub-§6, as amended by PL 1987, c. 735, §46, is further amended to read:

6. Master electrician. "Master electrician" ~~shall mean a person, firm or corporation,~~ means an individual qualified under this chapter, engaging in, or about to engage in, the business of installing electrical wires, conduits, apparatus, fixtures and other electrical

equipment. The certificate shall ~~must~~ specify the name of the ~~person, individual~~ who, in case of a firm, shall be one of its members or employees and in case of a corporation, one of its officers or employees passing said examination, by which he or it shall be is authorized to enter upon or engage in business as set forth in this chapter. ~~In the case of a firm or corporation, the license shall become void upon the death of, or the severance from the company of, said person.~~

See title page for effective date.

CHAPTER 337

H.P. 1063 - L.D. 1498

An Act to Increase Access to Primary Care Physician Services in Maine

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

Sec. 1. 32 MRSA §2577 is enacted to read:

§2577. Joint program interns

An applicant who is enrolled in a program of medical and graduate medical training conducted jointly by a college or university having the power to grant a D.O. degree and accredited by the American Osteopathic Association and a graduate medical education program approved by the American Osteopathic Association may receive a temporary educational certificate from the board to act as a hospital intern as part of that graduate medical education program as long as the applicant is concurrently enrolled in the final year of medical training and initial year of graduate medical education. The board may not issue a certificate pursuant to this section for a period longer than that required to obtain the D.O. degree. The period during which the certificate is in force may not be considered as satisfaction of the requirement for postgraduate medical education under section 2571.

Sec. 2. 32 MRSA §3279, sub-§2-A is enacted to read:

2-A. Joint-program resident. An applicant who is enrolled in a program of medical and graduate medical training conducted jointly by a medical school accredited by the Liaison Committee on Medical Education and a graduate medical education program approved by the Accreditation Council on Graduate Medical Education may receive a temporary educational certificate from the board to act as a hospital resident as part of that graduate medical education program if the applicant is concurrently enrolled in the final year of medical training and the initial year of graduate medical education. The board may not issue

a certificate pursuant to this subsection for a period longer than that required to obtain the M.D. degree. The period during which the certificate is in force may not be considered in determining satisfaction of the requirement for postgraduate medical education under section 3271, subsection 2.

See title page for effective date.

CHAPTER 338

S.P. 433 - L.D. 1201

An Act to Provide for Public Health Standards in Public Schools Similar to Standards Required in Private Industry

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

Sec. 1. 20-A MRSA §258-B is enacted to read:

§258-B. Air quality testing

1. Petition percentage. A request for an inspection of schools to test air quality is subject to the criteria established in section 258-A, except that a petition by 50% of the parents of the children of one school is sufficient to initiate an inspection by the commissioner.

2. Notify citizens. The commissioner shall direct superintendents to notify any citizen who requests an inspection of school facilities of the petition process for requesting such an inspection under this section and section 258-A.

See title page for effective date.

CHAPTER 339

H.P. 637 - L.D. 860

An Act to Ensure the Integrity of the Maine Turnpike Electronic Toll System

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

Sec. 1. 23 MRSA §1964, sub-§5-B is enacted to read:

5-B. Law enforcement officer. "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether

that duty extends to all crimes or is limited to specific crimes.

Sec. 2. 23 MRSA §1980, sub-§2-B, ¶B, as enacted by PL 1993, c. 698, §2, is amended to read:

B. Notwithstanding any other provision of law, a photograph, micro-photograph, videotape or other recorded image prepared for enforcement of authority tolls is for the exclusive use of the authority in the discharge of its duties under this section. This material is confidential and is not available to the public. The authority shall make this information available to a law enforcement officer upon request. The material is not available to the public and, except ~~Except~~ as provided in this subsection or as may be necessary to prove a claim for indemnification under subsection 2-A, paragraph H, F or to prosecute a criminal offense, this material may not be used in a court in an action or proceeding.

Sec. 3. 23 MRSA §1982 is enacted to read:

§1982. Confidentiality of authority records

A log or record identifying the name, address or travel patterns of a patron of the turnpike, whether prepared for enforcement of authority tolls or other purposes of the authority, is for the exclusive use of the authority in the discharge of its duties under this chapter. This material is confidential and is not available to the public except that a law enforcement officer or a representative of an insurance company making a request for specific records in the course of conducting the officer's or representative's business may have access to this material to the extent and in the manner access to such material is afforded under Title 1, chapter 13, subchapter I. The authority may release accident and other incident reports to affected parties and may release information specific to a commuter pass account or commercial billing account to the holder of that account.

See title page for effective date.

CHAPTER 340

S.P. 259 - L.D. 695

An Act to Authorize Municipalities to Pay Employees Biweekly

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

Sec. 1. 26 MRSA §621, sub-§1, as enacted by PL 1983, c. 778, is amended to read: