

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

(1) All information, working papers and examinations used in the examination or evaluation of all applicants for employment;

(2) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(3) Performance evaluations, personal references and other reports and evaluations reflecting on the quality or adequacy of the employee's work or general character compiled and maintained for employment purposes;

(4) Credit information;

(5) Except as provided by subsection 1, the personal history, general character or conduct of the employee or any member of the employee's immediate family;

(6) Complaints, charges of misconduct, replies ~~thereto~~ to complaints and charges of misconduct and memoranda and other materials pertaining to disciplinary action;

(7) Social security number; ~~and~~

(8) The teacher action plan and support system documents and reports maintained for certification purposes; and

(9) Criminal history record information obtained pursuant to section 6103.

Sec. 5. 20-A MRSA §6103 is enacted to read:

§6103. Criminal history record information conviction data

Beginning January 1, 1999, certification, authorization and renewal under chapters 501 and 502 are subject to the provisions of this section.

1. Conviction data obtained; reliance. The commissioner shall obtain criminal history record information containing a record of conviction data from the Maine Criminal Justice Information System for any person applying for certification, authorization or renewal. The commissioner may rely on information provided by the Maine Criminal Justice Information System within 24 months prior to the issuance of a certificate, authorization or renewal.

2. Issuance restriction. Issuance of a certificate, authorization or renewal to any person whose criminal history record information includes a criminal conviction is subject to the provisions of Title 5, chapter 341 and section 13020.

3. Confidentiality. Any information obtained pursuant to this section is confidential.

4. Expenses. Notwithstanding Title 26, sections 594 and 629, the expense of obtaining the information required by this section must be paid by the applicant.

Sec. 6. Study committee. The Commissioner of Education shall convene a study committee to make recommendations on measures to protect children through record checks of elementary and secondary education employees and applicants for employment. The study committee consists of representatives from the Maine Education Association, the Maine School Management Association, the Department of the Attorney General, the Department of Education, the Bureau of State Police, and other groups designated by the commissioner.

The study committee shall consider the following issues:

1. Requiring federal record checks for employees or applicants for employment who are seeking certification, authorization or renewal;

2. Requiring federal and state record checks for employees or applicants for employment who have contact with children but whose positions do not require certification, authorization or renewal;

3. Whether the state record checks required in subsection 2 must be conducted at the state or local level; and

4. Whether allegation information concerning employees or applicants for employment may be shared and by whom.

The study committee shall present its report and any recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 15, 1996.

See title page for effective date.

CHAPTER 548

H.P. 1169 - L.D. 1601

**An Act to Allow Physicians' Offices
to Receive Discounts from
Pharmaceutical Manufacturers**

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

Sec. 1. 32 MRSA §13804, sub-§5 is enacted to read:

5. Parenterally administered oncologic drug products administered at medical office sites. This subchapter does not apply to parenterally administered oncologic drug products administered at medical office sites.

See title page for effective date.

CHAPTER 549

S.P. 608 - L.D. 1612

An Act to Repeal the Requirement that Disbursement Warrants Receive an Affirmative Vote by Municipal Officers

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

Whereas, current law requires that municipal disbursement warrants be approved by a majority of the municipal officers at public meetings; and

Whereas, for some municipalities, the law has created a hardship by requiring more frequent meetings and by the loss of early payment discounts on municipal bills; and

Whereas, this legislation provides a measure of relief for municipalities by authorizing municipalities through charter or ordinance to establish an alternative method of approving disbursement of municipal funds; and

Whereas, to provide maximum benefit to municipalities, this legislation must be enacted immediately; 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. 30-A MRSA §5603, sub-§2, ¶A, as amended by PL 1995, c. 83, §1, is further amended to read:

A. Except as provided in subparagraphs (1) and (2), and except as otherwise provided by charter or ordinance, disburse money only on the authority of a warrant drawn for the purpose, affirmatively voted and signed by a majority of the municipal officers.

(1) The municipal officers may adopt a written policy to permit the disbursement of employees' wages and benefits when a disbursement warrant has been signed by one or more designated municipal officers. The policy must be filed with the town clerk and the municipal treasurer and renewed annually by vote of the municipal officers.

(2) The municipal officers may adopt a written policy to permit the disbursement of payments for municipal education costs when a disbursement warrant has been signed by the school superintendent and approved by a majority of the school board or by a finance committee appointed or duly elected by the school board. The policy must be filed with the town clerk and the municipal treasurer and renewed annually by vote of the municipal officers;

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

Effective March 20, 1996.

CHAPTER 550

H.P. 1196 - L.D. 1646

An Act to Establish the Freeport Towne Square Mental Retardation Facility

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

Sec. 1. 34-B MRSA §1001, sub-§8, ¶¶E and F, as enacted by PL 1983, c. 459, §7, are amended to read:

E. The Aroostook Residential Center; ~~or~~

F. The ~~Military and Naval Bath~~ Bath Children's Home; ~~or~~

Sec. 2. 34-B MRSA §1001, sub-§8, ¶G is enacted to read:

G. Freeport Towne Square.

Sec. 3. 34-B MRSA §5401, as amended by PL 1995, c. 395, Pt. G, §14 and affected by §20, is further amended to read:

§5401. Maintenance of facilities

The department shall maintain the following residential ~~facility~~ facilities for the care and treatment of mentally retarded persons: