

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

(v) ~~with~~ With respect to a sale of goods or services, not including manufactured housing or a motor vehicle, the amount financed does not exceed \$25,000; and

(vi) With respect to a sale of a motor vehicle as defined in Title 29-A, section 101, subsection 42, the amount financed does not exceed \$35,000.

See title page for effective date.

CHAPTER 123

H.P. 573 - L.D. 764

An Act Concerning Regulatory Authority to Protect Certain Marine Organisms

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

Whereas, current law authorizes the Commissioner of Marine Resources to adopt or amend rules that limit the taking of marine organisms; and

Whereas, whales and other marine organisms that are protected under state and federal law are becoming entangled in fishing gear and dying; and

Whereas, immediate action is needed to prevent further needless losses to these protected species; 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. 12 MRSA §6001, sub-§26, as amended by PL 1987, c. 312, §2, is further amended to read:

26. Marine organism. "Marine organism" means any animal, plant or other life that inhabits coastal waters below head of tide.

Sec. 2. 12 MRSA §6171, sub-§5 is enacted to read:

5. Rules to limit taking of marine organisms. The commissioner may adopt rules that limit the taking of a marine organism for the purpose of protecting another marine organism. Rules adopted

pursuant to this subsection are major substantive rules, pursuant to Title 5, chapter 375, subchapter II-A.

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

Effective April 25, 1997.

CHAPTER 124

S.P. 256 - L.D. 825

An Act to Clarify the Laws on Personal Information of State Employees

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

Sec. 1. 5 MRSA §1545 is amended to read:

§1545. Reproduction of certain documents authorized

The State Controller is authorized to cause to be made, at the expense of the State, by any photostatic, photographic, microfilm or other mechanical process ~~which that~~ produces a clear, accurate and permanent copy or reproduction thereof, copies of any part or all of the state cancelled checks, vouchers and other documents on file in the Bureau of Accounts and Control or the Office of the Treasurer of State. Any records created by or provided to the State containing information about outstanding, unpaid checks issued by the State are confidential and not available for public inspection to the extent that the State Controller and the Treasurer of State determine that confidentiality is necessary to protect the interests of the payee, the State and the public welfare.

Sec. 2. 5 MRSA §7070, sub-§2, as amended by PL 1991, c. 729, §1, is further amended to read:

2. Personal information of employees. Records containing the following, except they may be examined by the employee to whom they relate when the examination is permitted or required by law:

- A. Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
- B. Performance evaluations and personal references submitted in confidence;
- C. Information pertaining to the credit worthiness of a named employee;

D. Information pertaining to the personal history, general character or conduct of members of ~~an~~ the employee's immediate family; ~~and~~

D-1. Personal information pertaining to the employee's race, color, religion, sex, national origin, ancestry, age, physical disability, mental disability and marital status; social security number; home telephone number and home address; and personal employment choices pertaining to elected payroll deductions, deferred compensation, savings plans, pension plans, health insurance and life insurance. When there is a work requirement for public access to personal information under this paragraph that is not otherwise protected by law, that information may be made public. The Director of the Bureau of Human Resources, upon the request of the employing agency, shall make the determination that the release of certain personal information not otherwise protected by law is allowed; and

E. Except as provided in section 7070-A, 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 the decision is completed.

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;

This subsection does not preclude union representatives from having access to personnel records, consistent with subsection 4, that may be necessary for the bargaining agent to carry out its collective bargaining responsibilities. Any records available to union representatives that are otherwise covered by this subsection remain confidential and are not open for public inspection;

See title page for effective date.

CHAPTER 125

H.P. 651 - L.D. 904

An Act to Clarify the Audit Requirement of the Maine State Housing Authority

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

Whereas, the 90-day period will not terminate until after the deadline for the next annual financial report of the Maine State Housing Authority; and

Whereas, the clarification in this law in a timely manner will avoid confusion and unneeded expense; 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 §4910, as amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

§4910. Annual report

The director of the Maine State Housing Authority shall prepare and submit to the Governor and the bank superintendent annually a complete report and a complete financial report duly audited and certified by the Department of Audit or a qualified public accountant to be distributed in the same way as state departmental reports.

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

Effective April 25, 1997.

CHAPTER 126

H.P. 716 - L.D. 980

An Act to Amend Provisions Applicable to Property Casualty Insurers and Reporting Requirements to the Bureau of Insurance