

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

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J.S. McCarthy Company
Augusta, Maine
1999

CHAPTER 234

H.P. 1197 - L.D. 1707

**An Act to Extend Certain Survivor
Benefits to the Spouses and Children
of Emergency Medical Services
Providers**

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

Sec. 1. 20-A MRSA §12551, as amended by PL 1997, c. 160, §1, is further amended to read:

§12551. Purpose

In recognition of the indispensable public service role that firefighters ~~and~~, law enforcement officers ~~and~~ emergency medical services persons play in the well-being of the people of this State, it is the purpose of this chapter to provide for assistance to the children and ~~spouse~~ spouses of firefighters ~~and~~, law enforcement officers ~~and~~ emergency medical services persons who are killed in the line of duty so that these children and spouses may have the opportunity to pursue a degree at one of the state postsecondary educational institutions.

Sec. 2. 20-A MRSA §12552, sub-§§1-B and 1-C are enacted to read:

1-B. Emergency medical service. "Emergency medical service" means a nonprofit, incorporated ambulance service or nontransporting emergency medical service licensed under Title 32, chapter 2-B receiving full or partial financial support from or officially recognized by the State, a municipality or county or an entity created under Title 30-A, chapter 115 or 119 except when the emergency medical service is acting outside the scope of activities expressly authorized by the State, municipality, county or entity created under Title 30-A, chapter 115 or 119.

1-C. Emergency medical services person. "Emergency medical services person" means a person who is licensed to provide emergency medical treatment under Title 32, chapter 2-B and is serving a public agency in an official capacity as an officially recognized or designated employee or member of a rescue squad or ambulance crew, with or without compensation, or who is an employee of an emergency medical service as defined in subsection 1-B.

Sec. 3. 20-A MRSA §12552, sub-§2-A is enacted to read:

2-A. Public agency. "Public agency" means a governmental entity as defined in Title 14, section

8102, subsection 2 or a political subdivision as defined in Title 14, section 8102, subsection 3.

Sec. 4. 20-A MRSA §12553, first ¶, as amended by PL 1997, c. 160, §3, is further amended to read:

The child or spouse of a firefighter ~~or~~, law enforcement officer ~~or~~ emergency medical services person who has been killed or who has received an injury during the performance of that firefighter's ~~or~~, law enforcement officer's ~~or~~ emergency medical services person's duties, which results in death, may attend, as provided in this section, any state postsecondary educational institution free of tuition charges.

Sec. 5. 20-A MRSA §12553, sub-§1, as amended by PL 1997, c. 160, §3, is further amended to read:

1. Eligibility of a child. The child of a firefighter ~~or~~, law enforcement officer ~~or~~ emergency medical services person is eligible for tuition waiver under this chapter if the child is:

A. The natural or legally adopted child of a firefighter ~~or~~, law enforcement officer ~~or~~ emergency medical services person;

B. Is less than 21 years old at the time of the death of the parent who is a firefighter ~~or~~, law enforcement officer ~~or~~ emergency medical services person;

C. A Maine resident;

D. A high school graduate or has attained equivalent certification; and

E. Accepted for admission to a state postsecondary educational institution.

Sec. 6. 20-A MRSA §12553, sub-§1-A, as enacted by PL 1997, c. 160, §3, is amended to read:

1-A. Eligibility of a spouse. The spouse of a firefighter ~~or~~, law enforcement officer ~~or~~ emergency medical services person is eligible for tuition waiver under this chapter if the spouse is:

A. Legally married to the firefighter ~~or~~, law enforcement officer ~~or~~ emergency medical services person at the time of the firefighter's ~~or~~, law enforcement officer's ~~or~~ emergency medical services person's death;

B. A Maine resident;

C. A high school graduate or has attained equivalent certification; and

D. Accepted for admission to a state postsecondary educational institution.

See title page for effective date.

CHAPTER 235

H.P. 985 - L.D. 1383

An Act Promoting Technology in Business Recordkeeping

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

Sec. 1. 26 MRSA §631, as amended by PL 1997, c. 420, §1, is further amended to read:

§631. Employee right to review personnel file

The employer shall, upon written request from an employee or former employee, provide the employee, former employee or duly authorized representative with an opportunity to review and copy the employee's personnel file if the employer has a personnel file for that employee. The reviews and copying must take place at the location where the personnel files are maintained and during normal office hours unless, at the employer's discretion, a more convenient time and location for the employee are arranged. The cost of copying is paid by the person requesting the copy. For the purpose of this section, a personnel file includes, but is not limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits and nonprivileged medical records or nurses' station notes relating to the employee that the employer has in the employer's possession. Records in a personnel file may be maintained in any form including paper, microfiche or electronic form. The employer shall take adequate steps to ensure the integrity and confidentiality of these records. An employer maintaining records in a form other than paper shall have available to the employee, former employee or duly authorized representative the equipment necessary to review and copy the personnel file. Any employer who, following a request pursuant to this section, without good cause fails to provide an opportunity for review and copying of a personnel file, within 10 days of receipt of that request, is subject to a civil forfeiture of \$25 for each day that a failure continues. The total forfeiture may not exceed \$500. An employee ~~or~~, former employee or the Department of Labor may bring an action in the District Court or the Superior Court for such equitable relief, including an injunction, as the court may consider to be necessary and proper. The employer may also be required to reimburse the employee ~~or~~, former employee or the

Department of Labor for costs of suit including a reasonable attorney's fee if the employee or the department receives a judgment in the employee's or department's favor, respectively. For the purposes of this section, the term "nonprivileged medical records or nurses' station notes" means all those materials that have not been found to be protected from discovery or disclosure in the course of civil litigation under the Maine Rules of Civil Procedure, Rule 26, the Maine Rules of Evidence, Article V or similar rules adopted by the Workers' Compensation Board or other administrative tribunals.

See title page for effective date.

CHAPTER 236

H.P. 913 - L.D. 1291

An Act to Amend the Liquor Licensing Laws Regarding Bed and Breakfasts

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

Sec. 1. 28-A MRSA §1012, sub-§3, as amended by PL 1987, c. 623, §13, is further amended to read:

3. Off-premise catering license. A Class A restaurant, hotel, bed and breakfast or club licensed to sell spirits, wine and malt liquor may obtain a license to conduct off-premise catering of spirits, wine and malt liquor as provided in section 1052.

A. The license fee per calendar day of the event or gathering is\$10.

Sec. 2. 28-A MRSA §1051, sub-§3, ¶A, as amended by PL 1997, c. 501, §3, is further amended to read:

A. Subject to law and the rules of the bureau, hotel or bed and breakfast licensees may sell liquor in the original packages or by the drink to bona fide registered room guests. Any sale to a guest may be delivered to the guest's room only by a hotel or bed and breakfast employee.

Sec. 3. 28-A MRSA §1052, sub-§1, as amended by PL 1993, c. 730, §40, is further amended to read:

1. Off-premise catering license for sale of liquor off-premise. Class A restaurants, Class A lounges, Class A restaurant/lounges, hotels, bed and breakfasts and clubs licensed to sell spirits, wine and malt liquor may apply for an additional license to conduct off-premises catering of spirits, wine and malt