

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

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

liquor at planned events or gatherings to be held at locations other than the licensee's premises under this section.

**Sec. 4. 28-A MRSA §1061-A, sub-§2**, as enacted by PL 1993, c. 730, §41, is repealed.

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## CHAPTER 237

H.P. 857 - L.D. 1214

### An Act Authorizing the Release of Information to a Competitive Electricity Provider

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

**Sec. 1. 35-A MRSA §3203, sub-§16-A** is enacted to read:

**16-A. Customer information.** A transmission and distribution utility may not release any customer-specific information to a licensed competitive electricity provider unless the provider produces sufficient evidence, as defined by the commission by rule, that the provider has obtained the customer's authorization.

**Sec. 2. 35-A MRSA §3205, sub-§3, ¶I**, as enacted by PL 1997, c. 316, §3, is repealed.

See title page for effective date.

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## CHAPTER 238

S.P. 461 - L.D. 1348

### An Act to Ensure Support Services for Teachers Serving Under a Certification Waiver

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA §13015, sub-§2, ¶B**, as enacted by PL 1983, c. 845, §4, is amended to read:

B. Provide assistance and review to all individuals who are candidates for a higher level certificate or who are teaching under a waiver of the requirement to be certified under this chapter; and

See title page for effective date.

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## CHAPTER 239

H.P. 1107 - L.D. 1566

### An Act to Clarify the Definition of Terms Relating to Scheduled Drugs

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

**Sec. 1. 17-A MRSA §1101, sub-§21** is enacted to read:

**21.** "Cultivate" means to sow a seed; to grow, raise or tend a plant; to harvest a plant; or to knowingly possess a plant.

See title page for effective date.

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## CHAPTER 240

H.P. 1460 - L.D. 2092

### An Act to Require Legislative Approval to Lease Certain Land to the Federal Government

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

**Sec. 1. 12 MRSA §1814**, as enacted by PL 1997, c. 678, §13, is amended to read:

#### §1814. Convey land

Consistent with section 598-A, the bureau may sell and convey lands under this subchapter and improvements on those lands. With the consent of the Governor and the commissioner and subject to the provisions of section 598-A, the bureau may convey interests in lands or lease the same. Any lease to the Federal Government requires the approval of the Legislature. Any lease entered into must be canceled or revoked after due notice of intention to cancel or revoke the lease by action of the bureau when the use for which that lease was given has been abandoned or materially modified or whenever the conditions imposed in any lease have been broken.

**Sec. 2. 12 MRSA §1838, sub-§7**, as enacted by PL 1997, c. 678, §13, is amended to read: