

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

Whereas, the Joint Standing Committee on Judiciary, through its subcommittee, has been reviewing information relating to abuse claims by students of the Governor Baxter School for the Deaf; and

Whereas, much information, including records, relating to previous investigations of abuse at the school is confidential; and

Whereas, it is important that the investigative information be reviewed while the Joint Standing Committee on Judiciary is developing a response to the claims of abuse; 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. Access to information. Notwithstanding any Maine law prohibiting or limiting access to information, including records, relating to previous investigations or allegations of abuse at the Governor Baxter School for the Deaf, the members of the Joint Standing Committee on Judiciary, referred to in this Act as the "committee," may review such information solely for the purpose of developing a response to the claims of abuse. The Governor Baxter School for the Deaf, any department and any agency having records relating to previous investigations or allegations of abuse at the school shall immediately notify the committee and make those records available for review.

Sec. 2. Process. Review of the records must proceed as follows.

1. The members of the committee may review the information and may not disclose the contents except as provided in this Act. The committee shall treat all the information as confidential, unless otherwise instructed by the Attorney General or the court.

2. The following persons have the same access to the information, including records, subject to this Act as the committee and have the right to be present at executive sessions held by the committee: nonpartisan staff assigned to the committee, the Office of the Attorney General and other persons identified by the committee as being involved in previous investigations. A person who has access to confidential information and records under this Act may not make any disclosure outside of the executive session.

3. The committee may use the information in drafting a report, recommendations and legislation as long as this is done in a manner that does not directly or indirectly identify any Governor Baxter School for the Deaf student or student's family member, unless the student or family member has consented to such use in writing. Discussion of identifying information may occur only in executive session pursuant to the Maine Revised Statutes, Title 1, section 405, subsection 6, paragraph F and this Act.

4. The committee shall at all times keep the records in a safe place to which the public does not have access.

5. The committee shall complete review of the information during the Second Regular Session of the 119th Legislature.

6. When the committee has completed its review of records, the committee shall return the records to the provider of the records.

Sec. 3. Immunity. An employee of the State or of the Governor Baxter School for the Deaf is not civilly or criminally liable for providing access to information in compliance with this Act.

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

Effective February 14, 2000.

CHAPTER 63

H.P. 1042 - L.D. 1464

An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District

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

Sec. 1. P&SL 1913, c. 157, §2, 2nd ¶, as amended by P&SL 1975, c. 132, §2, is further amended to read:

The restricted area ~~is adjacent to~~ surrounds the open end of the 1925 Portland intakes intake, so called, and ~~is bounded on the east and south by the shore of Sebago Lake and on the west and north by an arc, the center of which is a point marked by a stake on the shore of Sebago Lake, which point is midway when measured along said shore from the intersection of said shore and the intake pipe from the 1925 intake and the intersection of said shore and the intake pipe from the 1952 intake, and the radius of which arc is~~ includes the area within an arc whose radius is 3,000

feet as measured from the open end of the intake as located on January 1, 2000.

See title page for effective date.

CHAPTER 64

S.P. 862 - L.D. 2260

An Act to Provide Degree-granting Authority to the SALT Institute for Documentary Field Studies

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

Sec. 1. SALT Institute for Documentary Field Studies degree. The SALT Institute for Documentary Field Studies, located in Portland, Maine, may confer the degree of Master of Arts as usually conferred by like institutions.

See title page for effective date.

CHAPTER 65

H.P. 1651 - L.D. 2320

An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000

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

Whereas, the increase in the debt limit of the City of Brewer High School District provided in this Act is necessary to fund improvements to the high school library; and

Whereas, these improvements need to be made as soon as possible in order for the high school to retain its accreditation from the New England Association of Schools and Colleges; 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. P&SL 1925, c. 4, §5, first sentence, as amended by P&SL 1973, c. 47, is further amended to read:

To procure funds for the purposes of this Act and such other expenses as may be necessary to the carrying out of said purposes, the said district, by its trustees, is hereby authorized to issue notes and bonds, but shall not incur a total indebtedness exceeding the sum of ~~\$2,500,000~~ \$5,000,000 at any one time outstanding.

Sec. 2. Emergency clause; effective date; referendum. In view of the emergency cited in the preamble, this Act takes effect when approved, only for the purpose of permitting its submission to the legal voters of the City of Brewer no later than December 31, 2000. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the board of registration in the City of Brewer is not required to prepare for posting, nor is the city clerk required to post, a new list of voters. For the purpose of registration of voters, the board of registration must be in session the 3 secular days next preceding the election, the first 2 days to be devoted to the registration of voters and the last day to enable the board to verify the corrections of the lists of voters and to complete and close up their records of these sessions.

The city clerk shall prepare the required ballots and shall reduce the subject matter of this Act to the following question:

"Do you favor increasing the debt limit of the City of Brewer High School District from \$2,500,000 to \$5,000,000?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This Act takes effect for all purposes immediately upon its approval by a majority vote of the legal voters voting at the election, provided the total number of votes cast for and against the approval of this Act at the election equals or exceeds 20% of the total vote for all candidates for Governor in the city at the next preceding gubernatorial election. Failure of approval of this Act by the necessary percentage of voters at such election or otherwise does not prevent a 2nd election being held at any other election of the City of Brewer held on or before December 31, 2000.

The election results must be declared by the municipal officers of the City of Brewer and due certificate of the results filed by the city clerk with the Secretary of State.

Effective pending referendum.