

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

the expenses of administration incurred by the Department of Public Safety.

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

E. State and federal criminal history record information may be used by the board for the purpose of screening each applicant. A board action against an applicant under this subsection is subject to the provisions of Title 5, chapter 341.

F. Information obtained pursuant to this subsection is confidential. The results of background checks received by the board are for official use only and may not be disseminated to the Interstate Commission of Nurse Licensure Compact Administrators established in section 2177 or to any other person or entity.

G. An applicant whose license has expired and who has not applied for renewal may request in writing that the State Bureau of Identification remove the applicant's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the applicant's fingerprints from the fingerprint file and provide written confirmation of that removal.

2. Rules. The board, following consultation with the State Bureau of Identification, shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-6. Appropriations and allocations.

The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF State Police 0291

Initiative: Provides allocations to perform fingerprint-based criminal history background checks.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$28,502	\$28,502
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$28,502	\$28,502

See title page for effective date.

CHAPTER 259

S.P. 589 - L.D. 1638

An Act To Promote Workforce Education Attainment

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

Sec. 1. 26 MRSA §2006, sub-§1, ¶¶I and J, as enacted by PL 2003, c. 114, §10, are amended to read:

I. Providing policy recommendations to ensure the effectiveness of work-related programs and services for youth, including youth with disabilities; **and**

J. Providing policy recommendations to ensure the effectiveness of work-related programs and services for "at-risk" youth; **and**

Sec. 2. 26 MRSA §2006, sub-§1, ¶K is enacted to read:

K. Supporting and tracking progress toward an attainment goal of increasing the percent of working-age adults holding a high-value certificate, college degree, vocational education or other industry-recognized credential to 60% by 2025 with a focus on meeting future workforce needs and reporting annually on progress to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over labor, business, research and economic development matters.

See title page for effective date.

CHAPTER 260

S.P. 538 - L.D. 1543

An Act To Simplify the Licensing Process for Off-site Catering

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

Sec. 1. 28-A MRSA §1052, sub-§4, ¶G, as amended by PL 1987, c. 342, §77, is further amended to read:

G. Approval by the municipal officers, or a municipal official designated by the municipal officers, of the municipality in which the proposed additional licensed premises are located, which, notwithstanding section 653, may be granted without public notice. The bureau shall accept approval required under this paragraph in elec-

tronic form submitted by the applicant or directly by the municipality to the bureau.

Sec. 2. 28-A MRSA §1076, sub-§7, ¶D, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

D. Approval by the municipal officers or a municipal official designated by the municipal officers of the municipality in which the catered function or event is to be held, which, notwithstanding the provisions of section 653, may be granted without public notice. The bureau shall accept approval required under this paragraph in electronic form submitted by the applicant or directly by the municipality to the bureau; and

See title page for effective date.

CHAPTER 261 S.P. 469 - L.D. 1361

An Act Regarding State Hiring and Retention for Persons with Disabilities

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

Sec. 1. 5 MRSA §7054-C is enacted to read:

§7054-C. Person with disability preference

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Person with a disability" means a person who has been determined by a qualified professional to have a physical or mental impairment that constitutes a substantial barrier to employment but who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

B. "Qualified professional" means a vocational rehabilitation counselor or other professional with advanced disability training and certification.

C. "Special appointment program" means the program established by rule by the Department of Administrative and Financial Services, Bureau of Human Resources to provide persons with disabilities increased access to positions in the classified service.

D. "Ticket to Work program" means the Ticket to Work and Self-Sufficiency Program under Section 1148 of the federal Social Security Act.

2. Interview. In filling a position in the classified service, the employing agency shall offer an interview to a person with a disability who is eligible for

the Ticket to Work program and who meets the minimum qualifications established for the position and to a person who has been determined by a qualified professional to have a disability and who meets the minimum qualifications established for the position.

3. Guidance and referral if not hired. If a person with a disability applies for a position described in subsection 2 but is not selected, the Department of Administrative and Financial Services, Bureau of Human Resources shall provide guidance to the person regarding other available state positions, including opportunities in the special appointment program, for which the person might qualify. The Bureau of Human Resources may also refer the person to the Department of Labor, Bureau of Rehabilitation Services for potential vocational rehabilitation services if the person has not been referred by a qualified professional.

4. Retention preference. In any reduction in personnel in the state service, employees who are eligible for the Ticket to Work program or who are persons with disabilities must be retained in preference to all other competing employees in the same classification with equal seniority, status and performance reviews.

5. Right to nondisclosure. A person with a disability or who is eligible for the Ticket to Work program has the right to not disclose that person's disability at the time of hire but may not assert a right to a retention preference pursuant to subsection 4 at a later date.

See title page for effective date.

CHAPTER 262 H.P. 789 - L.D. 1126

An Act Relating to the Use and Leasing of Public Reserved Lands

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

Whereas, bear hunting begins on August 28th and the bear baiting season begins on July 29th and certain clarifications in law relating to the placement of bait on public reserved lands need to be made before this season begins to avoid confusion and to ensure that persons who make a living as bear hunting guides are not negatively affected; 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 preserva-