

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

Chapter 414

AN ACT Relating to the Conduct of Hearings Required by the State's Environmental Laws.

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

Whereas, the Environmental Improvement Commission is required and empowered to hold public hearings pursuant to numerous provisions of the law, specifically sections 365, 414, 451, 451 (1), 451 (2) (A), 451 (2) (B), 484, 546, 584, 585, 587, 590, 592 and 1101 (2) of Title 38 of the Revised Statutes; and

Whereas, in order to hold such hearings the commission is presently required to have a quorum of those commission members present; and

Whereas, the attendance at such hearings imposes a considerable hardship and financial burden on the members of the commission, since they only serve on a part-time basis; and

Whereas, the number and frequency of hearings have increased as the regulatory powers of the commission have been expanded by the Legislature; and

Whereas, the efficiency and capability of the commission to schedule and hold hearings is decreasing rapidly, to the detriment of all concerned; and

Whereas, it is a common practice of federal and state agencies to have hearings held by a hearing examiner and the transcript and exhibits established by such hearings communicated to such agency members which procedure is preferable to that presently existing; 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:

R. S., T. 38, § 361, amended. Section 361 of Title 38 of the Revised Statutes, as amended, is further amended by adding at the end a new paragraph to read as follows:

Whenever the commission is required or empowered to conduct a hearing pursuant to any provision of law, such hearings may be held and conducted by the commission, or by any member of the commission or by any qualified employee or representative of the commission, as the commission may determine. If the hearing is conducted by a single commissioner or qualified employee or representative, such commissioner, employee or representative shall report his findings of fact and conclusions to the commission together with a transcript of the hearing and all exhibits. Such findings of fact and conclusions shall become a part of the record. The commission shall not be

bound by such findings or conclusions when acting upon such record, but shall take such action, issue such orders and make such decisions as if it had held and conducted the hearing itself.

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

Effective June 7, 1971

Chapter 415

AN ACT Increasing Minimum Wages.

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

R. S., T. 26, § 664, amended. The first 2 sentences of section 664 of Title 26 of the Revised Statutes, as last repealed and replaced by chapter 356 of the public laws of 1969, are amended to read as follows:

By reason of the declaration of policy set forth in section 661 and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee except as otherwise provided in this subchapter at the rate of less than ~~\$1.60~~ \$1.80 per hour ~~starting October 15, 1969~~; nor work more than 48 hours in ~~any~~ one week, unless 1½ times the regular hourly rate is paid for all work done over 48 hours in any one week; and whenever the highest federal minimum wage is increased in excess of \$1.80 per hour, the minimum wage established under this section shall be increased to the same amount, effective either on the same date as the increase in the highest federal minimum wage or the effective date of this Act, whichever occurs later, but in no case shall the minimum wage exceed \$2 per hour. Except that on October 15, ~~1969~~ 1971 to October 15, ~~1970~~ 1972, those employees in a nursing home or employees in a hospital shall be paid at a rate of no less than ~~\$1.50~~ \$1.60 per hour and thereafter ~~\$1.60~~ \$1.80 per hour.

Effective September 23, 1971

Chapter 416

AN ACT Relating to Aid to Municipalities for Outdoor Recreational Facilities.

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

R. S., T. 12, § 602, sub-§ 14, additional. Section 602 of Title 12 of the Revised Statutes, as amended, is further amended by adding a new subsection 14 to read as follows:

14. **Municipal Recreation Fund.** To administer a state grant-in-aid fund known as the Municipal Recreation Fund. On municipal projects which are