

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3 Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Fourth Legislature

AT THE
SPECIAL SESSION

January 6, 1970
to
February 7, 1970

Kennebec County, if such person is a nonresident or has no principal place of business in this State, and serve upon such person or in the same manner as provided in section 211 a petition for an order of such court for the enforcement of this section. Any disobedience of any final order entered under this section by any court shall be punished as a contempt thereof.

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$34,123 for the fiscal year ending June 30, 1971 to the Department of the Attorney General to be expended in the promotion and carrying out the objectives of this Act. The breakdown shall be as follows:

1970-71

ATTORNEY GENERAL, DEPARTMENT OF

Personal Services	(4)	\$30,123
All Other		4,000
		<hr/>
		\$34,123

Effective May 9, 1970

Chapter 578

AN ACT Amending the Municipal Public Employees Labor Relations Law.

Emergency preamble. Whereas, chapter 424 of the public laws of 1969 was adopted by the last session of the Legislature; and

Whereas, certain omissions and contradictions have become evident and need be clarified; and

Whereas, these confusions are complicating the administration of the law; and

Whereas, these confusions may create unrest and uncertainty among city employees and employers; 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. R. S., T. 26, § 962, sub-§ 6, ¶ F, repealed and replaced. Paragraph F of subsection 6 of section 962 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is repealed and the following enacted in place thereof:

F. Who has been employed less than 6 months.

Sec. 2. R. S., T. 26, § 962, sub-§ 6, ¶ G, additional. Subsection 6 of section 962 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is amended by adding a new paragraph G to read as follows:

G. Who is a temporary, seasonal or on-call employee.

Sec. 2-A. R. S., T. 26, § 965, sub-§ 4, amended. The last sentence of the 2nd paragraph of subsection 4 of section 965 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows:

Such determinations will be subject to review by a ~~Justice of~~ the Superior Court in the manner specified by section ~~7~~ 972.

Sec. 2-B. R. S., T. 26, § 965, sub-§ 4, amended. The last paragraph of subsection 4 of section 965 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows:

If the controversy is not resolved by the parties themselves, the arbitrators shall proceed as follows: With respect to a controversy over salaries, pensions and insurance, the arbitrators will recommend terms of settlement and may make findings of fact; such recommendations and findings will be advisory only and will be made, if reasonably possible, within 30 days after the selection of the neutral arbitrator; the arbitrators may in their discretion, make such recommendations and findings public, and either party may make such recommendations and findings public if agreement is not reached with respect to such findings and recommendations within 10 days after their receipt from the arbitrators; with respect to a controversy over subjects other than salaries, pensions and insurance, the arbitrators shall make determinations with respect thereto if reasonably possible within 30 days after the selection of the neutral arbitrator; such determinations may be made public by the arbitrators or either party; and if made by a majority of the arbitrators, such determinations will be binding on both parties and the parties will enter an agreement or take whatever other action that may be appropriate to carry out and effectuate such binding determinations; and such determinations will be subject to review by a ~~Justice of~~ the Superior Court in the manner specified by section ~~7~~ 972.

Sec. 3. R. S., T. 26, § 966, amended. The first sentence of section 966 of Title 26 of the Revised Statutes of 1969 as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows:

In the event of a dispute between the public employer and an employee or employees as to the appropriateness of a unit for purposes of collective bargaining or between the public employer and an employee or employees as to whether a supervisory or other position is included in the bargaining unit, the commissioner shall make the determination, except that anyone excepted from the definition of public employee under section 962 may not be included in a bargaining unit.

Sec. 4. R. S., T. 26, § 967, amended. The 4th sentence of the 3rd paragraph of section 967 of Title 26 of the Revised Statutes as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows:

When an organization receives the majority of votes of ~~the unit~~ those voting, the commissioner shall certify it as the bargaining agent.

Sec. 5. R. S., T. 26, § 967, amended. The 2nd sentence of the 5th paragraph of section 967 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows:

Where there is a valid collective bargaining agreement in effect, no question ~~of concerning unit or~~ representation may be raised except during the period not more than 90 nor less than 60 days prior to the expiration date of the agreement.

Sec. 5-A. R. S., T. 26, § 968, amended. The last sentence of the first paragraph of section 968 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is repealed as follows:

~~This appeal will be the sole means of review of such determinations, section 7 to the contrary notwithstanding~~

Sec. 6. R. S., T. 26, § 968, sub-§ 1, amended. Subsection one of section 968 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is amended by adding after the 2nd sentence the following:

Members of the board shall each receive \$50 a day for their services, for the time actually employed in the discharge of their official duties.

Sec. 6-A. R. S., T. 26, § 968, sub-§ 1, amended. The last sentence of the 3rd paragraph of subsection 1 of section 968 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows:

Decisions of the appeals board shall be subject to review by ~~a Justice of~~ the Superior Court in the manner specified in section ~~7~~ 972.

Sec. 7. R. S., T. 26, § 972, additional. Title 26 of the Revised Statutes is amended by adding a new section 972, to read as follows:

§ 972. Review

Either party may seek a review by the Superior Court of a binding determination by an arbitration panel or a decision of the Public Employees Labor Relations Appeal Board. Such review shall be sought in accordance with Rule 80 B of the Rules of Civil Procedure.

The binding determination of an arbitration panel or arbitrator or the decision of the Public Employees Labor Relations Appeal Board, in the absence of fraud, upon all questions of fact shall be final. The court may, after consideration, affirm, reverse or modify any such binding determination

or decision based upon an erroneous ruling or finding of law. An appeal may be taken to the law court as in any civil action.

Sec. 8. Appropriation. There is appropriated from the General Fund the sum of \$1,500 to carry out the purposes of this Act. The breakdown shall be as follows:

	1969-70	1970-71
LABOR AND INDUSTRY, DEPARTMENT OF		
Personal Services	\$500	\$1,000

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

Effective February 9, 1970

Chapter 579

AN ACT Relating to Property Tax Administration.

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

Sec. 1. R. S., T. 36, § 202, repealed and replaced. Section 202 of Title 36 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 202. Training and certification of assessors

1. Training of assessors.

A. The State Tax Assessor shall establish a program of training to meet the needs of the State of Maine for a sufficient supply of completely trained assessors. The State Tax Assessor may designate what programs, either within or outside the State, are acceptable for these training purposes.

B. Municipalities may expend funds for educational and training activities, including reimbursement for travel, meals and lodging. In addition, municipal officers may authorize leaves of absence with pay for such training purposes.

2. Certification of assessors. Beginning July 1, 1971, the Bureau of Taxation shall hold qualifying examinations for assessors at least twice each year.

Such additional examinations may be held as the State Tax Assessor deems necessary.

The State Tax Assessor shall determine the content and type of examination.

The examination shall, among other things, test the applicant's knowledge of applicable law and techniques of assessing.