

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth 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
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature

1973

Whoever violates this section shall be punished by a fine of not more than \$100 and by imprisonment for not more than 90 days.

Effective October 3, 1973

CHAPTER 531

AN ACT to Amend the Workmen's Compensation Act to Make Compensation for Permanent Partial Incapacity Coextensive with the Duration of Disability.

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

Sec. 1. R. S., T. 39, § 55, amended. Section 55 of Title 39 of the Revised Statutes, as last repealed and replaced by section 140 of chapter 622 of the public laws of 1971, is amended to read as follows:

§ 55. Compensation for partial incapacity

While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly compensation equal to $\frac{2}{3}$ the difference, due to said injury, between his average weekly wages, earnings or salary before the accident and the weekly wages, earnings or salary which he is able to earn thereafter, but not more than $\frac{2}{3}$ of the average weekly wage in the State of Maine as computed by the Employment Security Commission; and such weekly compensation shall be adjusted annually on July 1st so that it continues to bear the same percentage relationship to the average weekly wage in the State of Maine as computed by the Employment Security Commission, as it did at the time of the injury; ~~and in no case shall the period covered by such compensation be greater than 325 weeks from the date of the accident except for vocational rehabilitation services provided under sections 52 and 54.~~

Sec. 2. Effective date. This Act shall become effective November 30, 1973.

Effective November 30, 1973

CHAPTER 532

AN ACT Providing for Irreconcilable Marital Differences as a Ground for Divorce.

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

R. S., T. 19, § 691, amended. The first sentence of section 691 of Title 19 of the Revised Statutes is amended to read as follows:

A divorce from the bonds of matrimony may be decreed in the county where either party resides at the commencement of proceedings, for causes of adultery, impotence, extreme cruelty, utter desertion continued for 3 consecutive

years next prior to the filing of the complaint, gross and confirmed habits of intoxication from the use of intoxicating liquors, opium or other drugs, cruel and abusive treatment or the marital differences are irreconcilable and the marriage has broken down or, on the complaint of the wife, where the husband being of sufficient ability or being able to labor and provide for her, grossly or wantonly and cruelly refuses or neglects to provide suitable maintenance for her, provided the parties were married in this State or cohabited here after marriage, or if the plaintiff resided here when the cause of divorce accrued, or had resided here in good faith for 6 months prior to the commencement of proceedings, or if the defendant is a resident of this State. When the alleged cause is irreconcilable marital differences, a divorce shall not be granted unless both parties have received counseling by a professional counselor who is qualified in counseling either through educational certification or experience and as approved by the court, and a copy of the counselor's report is made available to the parties and to the court.

Effective October 3, 1973

CHAPTER 533

AN ACT to Clarify and Improve the Enforcement of Decisions of the Public Employees Labor Relations Board.

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

Sec. 1. R. S., T. 26, § 968, sub-§ 5, ¶ D, amended. Paragraph D of subsection 5 of section 968 of Title 26 of the Revised Statutes, as enacted by section 9 of chapter 609 of the public laws of 1971, is amended to read as follows:

D. If after the issuance of an order by the board requiring any party to cease and desist or to take any other affirmative action, ~~such said party~~ fails to comply with the order of the board then the party in whose favor the order operates may file a civil action in the Superior Court ~~in the county in which the prohibited practice was found to have occurred of~~ **Kennebec County**, to compel compliance with the order of the board. Upon application of any party of interest or the board, the court may grant such temporary relief or restraining order and may impose such terms and conditions as it deems just and proper; provided that the board's decision shall not be stayed except where it is clearly shown to the satisfaction of the court that substantial and irreparable injury shall be sustained or that there is a substantial risk of danger to the public health or safety. In such action to compel compliance the Superior Court shall not review the action of the board other than to determine whether the board has acted in excess of its jurisdiction. If an action to review the decision of the board is pending at the time of the commencement of an action for enforcement pursuant to this subsection or is thereafter filed, the 2 actions shall be consolidated.

Sec. 2. R. S., T. 26, § 968, sub-§ 5, ¶ F, repealed and replaced. Paragraph F of subsection 5 of section 968 of Title 26 of the Revised Statutes, as enacted by section 9 of chapter 609 of the public laws of 1971, is repealed and the following enacted in place thereof: