

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

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AS PASSED BY THE
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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:

F. Either party may seek a review by the Superior Court of Kennebec County of a decision of the Public Employees Labor Relations Board by filing a complaint in accordance with Rule 80B of the Rules of Civil Procedure, provided the complaint shall be filed within 15 days of the effective date of the decision. Upon the filing of the complaint, the court shall set the complaint down for hearing at the earliest possible time and shall cause all interested parties and the board to be notified. Pending review and upon application of any party of interest, 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. The executive director shall forthwith file in the court the record in the proceeding certified by the executive director or a member of the board. The record shall include all documents filed in the proceeding and the transcript, if any. After hearing, which shall be held not less than 7 days after notice thereof, the court may enforce, modify, enforce as so modified or set aside in whole or in part the decision of the board, except that the findings of the board on questions of fact shall be final unless shown to be clearly erroneous. Any appeal to the law court shall be the same as an appeal from an interlocutory order under section 6.

Effective October 3, 1973

CHAPTER 534

AN ACT Relating to Regional Planning.

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

Sec. 1. R. S., T. 13, § 901, amended. Section 901 of Title 13 of the Revised Statutes, as amended, is further amended by adding a new sentence at the end to read as follows:

An association of 2 or more municipalities, including a council of government and a regional planning commission, shall be incorporated by a majority of the municipal officers of each of its charter member municipalities.

Sec. 2. R. S., T. 30, § 1301, repealed and replaced. Section 1301 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1301. Membership in a regional planning commission

A county may become a member of a regional planning commission by resolution of the county commissioners, provided that such membership is authorized by the commission's bylaws and all or part of the county is located within the regional planning and development district or subdistrict served by the commission.

Sec. 3. R. S., T. 30, §§ 4501-4505, repealed. Sections 4501, 4502, 4503 and 4504 as amended, and section 4505 as enacted by section 3 of chapter 533 of the public laws of 1967, are repealed.