

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Seventh Legislature

1975

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## CHAPTER 459

**AN ACT to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs.**

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

**Sec. 1.** 5 MRSA § 674, first ¶, as last repealed and replaced by PL 1971, c. 561, is repealed and the following enacted in place thereof:

In making appointments to and retention in any position on an open competitive basis in the classified service, preference shall be given to veterans of the Armed Forces of the United States, who have been honorably separated, or to their wives, husbands, widows, widowers, mothers or fathers as set forth in this section.

**Sec. 2.** 5 MRSA § 674, sub-§ 1, ¶ C, as last repealed and replaced by PL 1971, c. 561, is amended to read:

**C. Veteran.** "Veteran" shall mean a person, male or female, who served on full-time active duty, exclusive of active duty for training, in the Armed Forces of the United States and who does not receive a nondisability retirement pension for Armed Forces service.

**Sec. 3.** 5 MRSA § 674, sub-§ 2, first ¶, as last repealed and replaced by PL 1971, c. 561, is repealed and the following enacted in place thereof:

Preference points shall be added to the earned qualifying rating in examinations, providing a passing grade is attained, of veterans applying for positions in the state service in accordance with the following, provided they have not been previously employed in the classified service after obtaining such preference points. However, a veteran who is receiving a disability pension shall be entitled to preference points under the last sentence notwithstanding his previous employment in the classified service after obtaining such preference points.

**Sec. 4.** 5 MRSA § 674, sub-§ 2, ¶¶ B to F, as last repealed and replaced by PL 1971, c. 561, are repealed and the following enacted in place thereof:

**B. Five-point preference (widow or widower).** The widow or widower of a veteran as defined in paragraph A, who has never remarried, shall be granted a 5-point preference.

**C. Ten-point preference (veteran).** A veteran who served on active duty in any of the Armed Forces for at least 90 consecutive days, at any time, was honorably separated therefrom, and who has a service-connected disability of 10% or more and receives compensation, pension or disability retirement under public statutes administered by the Veterans Administration or by a branch of the Armed Forces shall be accorded a 10-point preference.

**D. Ten-point preference (spouse).** The spouse of a disabled veteran as defined in paragraph C is entitled to 10-point preference in lieu of the veteran when his or her service-connected disability disqualifies him or her for appointment in the classified service along the general lines of his or her usual occupation.

E. Ten-point preference (widow or widower). The widow or widower who has never remarried, of a veteran who lost his or her life under honorable conditions while serving on active duty in any of the Armed Forces during the war, campaign or expedition, or who died as the result of service-connected disability shall be accorded a 10-point preference.

F. Ten-point preference (mother or father). The natural mother or father of a deceased veteran who lost his or her life under honorable conditions while serving on active duty in any of the Armed Forces during a war, campaign or expedition, and who is or was married to the father or mother of the veteran on whose service he or she bases his or her claim; and who is widowed, divorced or separated; or who lives with him or her totally and permanently disabled husband or wife, either the veteran's father or mother or the husband or wife of his or her remarriage, is entitled to a 10-point preference.

Sec. 5. 5 MRSA § 674, sub-§ 4, as enacted by PL 1971, c. 561, is repealed.

Sec. 6. 5 MRSA § 675, first sentence is amended to read:

Veterans with the present existence of a service-connected disability to a compensable degree, wives and husbands of disabled veterans who qualify for 10-point preference under section 674, subsection 2, paragraph B, unmarried widows or widowers of deceased veterans who qualify for 10-point preference under section 674, subsection 2, paragraph C, and mothers and fathers, who are widowed, divorced, separated or whose wives or husbands are permanently and totally disabled, of veterans who died while in the active service of the Armed Forces during any war, or who died as the result of service-connected disabilities, may file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement.

Effective October 1, 1975

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## CHAPTER 460

### AN ACT Concerning Preliminary Injunction and Temporary Restraining Order under the Labor and Industry Statutes.

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

26 MRSA § 5 is repealed and the following enacted in place thereof:

#### § 5. Injunctions in labor disputes without hearing prohibited

No court nor any judge or judges thereof shall issue a preliminary or permanent injunction in any case involving or growing out of a labor dispute except after hearing the testimony of witnesses in open court with opportunity for cross-examination and after a showing that a substantial and irreparable injury to the complainant's property is not likely to be avoided. Such hearing shall be held after due and personal notice thereof has been given in such manner as the court shall direct to all known persons against whom relief is sought.