

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

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Sec. 5. 5 MRSA § 674, sub-§ 4, as enacted by PL 1971, c. 561, is repealed.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

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.

If a complainant shall allege that unless a temporary restraining order shall be issued before such hearing can be held that said substantial and irreparable injury to complainant's property will not likely be avoided, a temporary restraining order may be granted upon the expiration of such reasonable notice as the court may direct by order to show cause but in no case less than 48 hours.

Said order to show cause shall specify facts sufficient to justify the court to issue a preliminary injunction. Said order shall be based upon testimony under oath or, in the discretion of the court, upon affidavits sworn to before a justice of the peace or notary public. Such order shall be served upon the party or parties to be restrained.

Such temporary restraining order shall be effective for no longer than 5 days except as thereafter provided. If the hearing for a preliminary injunction shall have been begun before the expiration of the said 5 days, and if the complainant has shown by clear and convincing evidence that an imminent danger of substantial and irreparable injury to his or its property or to his person will exist if the restraining order is not continued, the restraining order may in the court's discretion be continued until a decision is reached upon the issuance of the preliminary injunction.

A temporary restraining order without notice may be issued only on the condition that the complainant has shown by clear and convincing evidence that an imminent danger of substantial and irreparable injury to his or its property or to his person exists in the absence of a restraining order. Said order without notice may furthermore be issued only on the condition that the complainant shall first file an undertaking with adequate security sufficient to recompense those enjoined for any loss, expense or damage caused by the issuance of such order, including all reasonable costs and expense for defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

Nothing in this section shall deprive any party of any remedy that may be had at law.

Effective October 1, 1975

CHAPTER 461

AN ACT Repealing Invalid Rate Provisions and Other Provisions of Questionable Validity Pertaining to Public Utilities Commission Jurisdiction over Sanitary, Sewerage, Sewer, Utility and Water Districts.

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

Whereas, the Public Utilities Commission on December 26, 1974 has ruled that it cannot constitutionally regulate the rates of some districts operating sewer systems if it cannot regulate them all; and

Whereas, a few districts operating sewer systems do have a provision in their charters requiring such regulation but many do not; and