

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.

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

If any person had been an active member of a municipal fire department or of a volunteer fire fighters' association, as defined in Title 30, section 3771, for at least 2 years prior to a cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease and provided that the person had developed the disease or had suffered the injury which resulted in death within 6 months of having a cardiovascular disease or pulmonary disease which resulted in his death, and had participated in fire fighting or training or drill which actually involves fire fighting, it shall be presumed, unless his employer proves to the contrary by a preponderance of the evidence there shall be a rebuttable presumption that the person received the injury or disease arising out of and in the course of his employment, that sufficient notice of the injury or disease was given, and that the injury or disease was not occasioned by the willful intention of the employee to injure himself or another.

Sec. 11. 39 MRSA § 183, as last amended by PL 1967, c. 374, § 4, is further amended to read:

§ 183. Occupational disease defined

Whenever used in this law, the term "occupational disease" shall be construed to mean only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process or employment and which arises out of and in the course of employment.

Sec. 12. 39 MRSA § 194, 1st sentence, as last amended by PL 1967, c. 374, § 7, is further amended to read:

In the absence of evidence in favor of the claim, disability or death from silicosis shall be presumed not to be due to the nature of any occupation, unless during the ~~to~~ 15 years immediately preceding the date of disability the employee has been exposed to the inhalation of silica dust over a period of not less than 2 years.

Sec. 13. **Effective date.** Section 10 of this Act shall become effective 90 days after adjournment of the Legislature.

Effective October 1, 1975. Except as Otherwise Indicated.

CHAPTER 481

AN ACT to Reassign the Functions of the Department of Commerce and Industry.

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

Whereas, the State of Maine has been severely affected by the current economic crisis and this situation is likely to continue for the foreseeable future; and

Whereas, it is urgent that the State of Maine formulate emergency and long-range plans and policies for providing new industrial development and additional jobs to meet the needs of the people of Maine; and

Whereas, the attraction and expansion of industrial development can best be accomplished under the direct supervision of the Governor; 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. 5 MRSA § 3304, sub-§ 3, ¶ A, sub-¶ (3) is enacted to read:

(3) The director is authorized to employ research personnel, competent by education, training and experience, to carry out the purposes of section 3305, subsection 1, paragraph H.

Sec. 2. 5 MRSA § 3305, sub-§ 1, ¶ H is enacted to read:

H. Research, planning and program assistance. Compile, analyze and maintain information useful to the development of industry in the State concerning resources, sites, space, equipment, adequate housing, contracts, materials, transportation, markets, labor supply, population trends and other economic considerations. The State Planning Office shall study problems peculiar to the industry and economy of Maine with a view toward the broader utilization of our natural resources and the development of new and improved products and techniques, which studies shall be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations equipped to conduct the needed research. Additionally, the office shall prepare evidence and supporting data on types of industries particularly suited to the needs of Maine. The State Planning Office shall, upon request from the Governor or any state department, assist in the preparation of reports regarding the responsibilities and duties provided by this subsection.

Sec. 3. 5 MRSA Pt. 16 is enacted to read:

PART 16

STATE DEVELOPMENT OFFICE

CHAPTER 361

STATE DEVELOPMENT OFFICE

§ 7001. State Development Office

There is established to carry out the purposes of this chapter a State Development Office in the Executive Department which shall be directly responsible to the Governor and which shall be responsible for the creation of job opportunities by encouraging and assisting the expansion and improvement of both new and existing economic activities within the State.

Wherever the words "Department of Commerce and Industry" appear in the Revised Statutes they shall mean the "State Development Office."

§ 7002. State Development Director

1. Director. The executive head of the State Development Office shall be the director and shall be appointed by the Governor with the approval of the Executive Council. The director shall serve a term coterminous with that of the Governor subject to removal for cause by the Governor. The director shall be paid a salary fixed by the Governor and Council.

Wherever the words "Commissioner of Commerce and Industry" appear in the Revised Statutes they shall mean the "Director of the State Development Office."

2. Powers and duties. The director shall have the following powers and duties:

A. Appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter. Professional employees authorized by this chapter shall be hired as unclassified employees. All other employees shall be subject to the state civil service system;

B. The director may employ or engage such outside technical or professional consultants as may be necessary or appropriate to assist the office in carrying out its functions; and may enter into contracts with other boards, commissions, departments and divisions of the State or with the University of Maine to assist him in carrying out his duties under this chapter;

C. The director is authorized to accept for the State any federal funds appropriated under any federal law relating to the authorized programs of the office and to do such acts as are necessary for the purposes of carrying out such federal law; and to accept from any other agency of government, individual, group or corporation, such funds as may be available to carry out this chapter, including such fees as the director may designate for books, booklets, brochures, pamphlets, films, photos, maps, exhibits and all like materials;

D. The several offices, boards, commissions, departments and divisions of the State, and city and town officials may consult with the office and furnish or make available to it data and information within their knowledge or control.

The State Development Office shall maintain a close liaison with and make recommendations and reports in cooperation with the Maine Guarantee Authority, the Maine Mining Bureau and the State of Maine Publicity Bureau.

E. The director shall implement a program designed to promote and attract new industry to the State, expand existing economic activities in the State and help existing businesses to find both domestic and foreign markets for their products. Such a development program may include coordination of activities between the public and private sectors, including assistance to local communities in their development efforts, extension of technical assistance to new and existing industries seeking expansion within the State and utilization of trade missions, exhibits, brochures, technical assistance and expertise as may be necessary to develop and promote economic and job opportunities within the State.

F. The director shall implement a program designed to promote tourism and to attract tourists to the State, expand existing tourist activities within the State and help existing tourism-related businesses to attract tourists for their facilities. Such a tourism program may include coordination of activities between the public and private sectors, including assistance to local communities in their development efforts, extension of technical assistance to new and existing tourism-related industries seeking expansion within the State and utilization of trade missions, exhibits, brochures, technical assistance and expertise as may be necessary to develop and promote tourism and tourist activities within the State.

Sec. 4. 10 MRSA c. 101, as amended, is repealed.

Sec. 5. Funds and equipment transferred. Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets and related capital equipment, liabilities, balances of appropriations, transfers, revenues or other available funds in any account or subdivision of any account of the Department of Commerce and Industry shall be allocated to the proper place in an account within the Executive Department in accordance with the distribution of functions resulting from this Act, by the State Controller, upon recommendation and allocation by the Governor and Executive Council; except that the printing equipment, the personnel operating said equipment and any account established for said printing operations shall be transferred to the Printing Division within the Department of Finance and Administration.

Sec. 6. Transitional; employees. The classified employees of the Department of Commerce and Industry whose job classifications will be maintained as classified positions in the State Planning Office or the State Development Office shall be transferred to said offices in accordance with this Act, without loss of accrued sick leave or other benefits. Classified professional employees of the Department of Commerce and Industry shall be transferred to jobs consistent with their skills and seniority, either in the State Planning Office or the State Development Office. Notwithstanding the provisions of this Act, classified professional employees so transferred shall retain their classified status unless they voluntarily relinquish it and shall be transferred without loss of accrued sick leave, vacation pay or other benefits. The provisions of this Act relating to professional employees shall apply only to professional employees hired for other positions or to professional employees hired in the future to replace any transferred classified professional employee when he leaves his position.

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

Effective June 13, 1975.

CHAPTER 482

AN ACT Amending Laws Related to Coeducational Program in Juvenile Training Centers.

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

15 MRSA § 2712, first ¶ as last amended by PL 1967, c. 195, § 3, is further amended by adding before the last sentence, the following 2 new sentences: