

# 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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deeds shall enter upon the margin of the record of the prior conveyance, if any, referred to in said notice the volume and page in which the record of said notice may be found. The person filing the notice shall deliver or mail a copy thereof to the current record owner of the land at the last known address of such owner.

§ 473. Persons under disability; 2-year period not suspended

The notice provided in section 472 may be filed for record by the claimant or any other person acting on behalf of any claimant who is under a disability or unable to assert a claim on his own behalf, but no disability or lack of knowledge of any kind shall suspend or extend the periods provided for such filing.

§ 474. Statutes of limitations not extended; bar or release not affected

Nothing contained in this subchapter shall be construed to extend the period limited for the bringing of an action or for the doing of any other required act or to otherwise extend any statute of limitations; nor shall it be construed to affect the nature of the right and interest by descent, the time at which it becomes vested or any provision of law regarding its bar, release or other disposition.

§ 475. Liberal construction

This subchapter shall be liberally construed to affect the legislative purpose of enhancing the marketability of the title to land by eliminating the possibility of ancient marital interests that are outstanding on the record but are unclaimed.

Effective October 1, 1975

## CHAPTER 512

### AN ACT to Clarify the Severance Pay Statute.

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

Sec. 1. 26 MRSA § 625, 2nd ¶, as repealed and replaced by PL 1973, c. 545, is repealed.

Sec. 2. 26 MRSA § 625, 3rd ¶, as enacted by PL 1971, c. 452, is repealed.

Sec. 3. 26 MRSA § 625-A is enacted to read:

§ 625-A. Severance pay

As used in this section, unless the context otherwise indicates, the following words shall have the following meanings.

1. Covered establishment. "Covered establishment" means any industrial or commercial facility or part thereof which employs or has employed at any time in the preceding 12-month period 100 or more persons.

2. Director. "Director" shall mean the Director of the Bureau of Labor.
3. Employer. "Employer" means any person who directly or indirectly owns and operates a covered establishment.
4. Person. "Person" means any individual, group of individuals, partnership, corporation, association or any other entity.
5. Physical calamity. "Physical calamity" means any calamity such as fire, flood or other natural disaster, or the final order of any federal, state or local governmental agency including adjudicated bankruptcy.
6. Relocation. "Relocation" means the removal of all or substantially all of industrial or commercial operations in a covered establishment to a new location, within or without the State of Maine, 100 or more miles distant from its original location.
7. Termination. "Termination" means the substantial cessation of industrial or commercial operations in a covered establishment.
8. Week's pay. "Week's pay" means an amount equal to 1/52nd part of the gross wages paid to an employee during the 12 months prior to relocation or termination.
9. Severance pay. Any employer who relocates or terminates a covered establishment shall be liable to his employees for severance pay at the rate of one week's pay for each year of employment by the employee in such establishment. Such severance pay to eligible employees shall be in addition to any final wage payment to such employee and shall be paid within one regular pay period after the employee's last full day of work, notwithstanding any other provisions of law.
10. Mitigation of severance pay liability. There shall be no liability for severance pay to an eligible employee if:
  - A. Relocation or termination of a covered establishment is necessitated by a physical calamity;
  - B. Such employee is covered by an express contract providing for severance pay;
  - C. That employee accepts employment at the new location; and
  - D. That employee has been employed by said employer for less than 3 years.
11. Suits by employees. Any employer who violates the provisions of this section shall be liable to the employee or employees affected in the amount of their unpaid severance pay. Action to recover such liability may be maintained against any employer in any state or federal court of competent jurisdiction by any one or more employees for and on behalf of himself or themselves and any other employees similarly situated. Any labor organization may also maintain an action on behalf of its members. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant and costs of the action.

12. Suits by the director. The director is authorized to supervise the payment of the unpaid severance pay owing to any employee under this section. The director may bring an action in any court of competent jurisdiction to recover the amount of any unpaid severance pay. The right provided by subsection 11 to bring an action by or on behalf of any employee, and of any employee to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the director in an action under this subsection, unless such action is dismissed without prejudice by the director. Any sums recovered by the director on behalf of an employee pursuant to this subsection shall be held in a special deposit account and shall be paid, on order of the director, directly to the employee affected. Any sums thus recovered not paid to an employee because of inability to do so within a period of 3 years shall be paid over to the State of Maine.

13. Notice of director. Any person proposing to relocate or terminate a covered establishment shall notify the director in writing not less than 60 days prior to such relocation.

14. Powers of director. In any investigation or proceeding under this section, the director shall have, in addition to all other powers granted by law, the authority to examine books and records of any employer affected by this section as set out in section 665, subsection 1.

Effective October 1, 1975

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## CHAPTER 513

### AN ACT Relating to the Regional Technical Vocational Centers and the Vocational Education Regions.

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

Sec. 1. 20 MRSA § 2351-A is enacted to read:

#### § 2351-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings:

1. Vocational center. A "vocational center" is comprised of a regional technical-vocational center which is located in a particular community and is governed by the school board within that community;

2. Vocational region. A "vocational region" is comprised of all communities within the geographical bounds of that region as was determined by the Legislature. Such regions are governed by a cooperative board with membership from the various municipalities.

Sec. 2. 20 MRSA § 2356, as last amended by PL 1973, c. 571, § 71, is further amended to read:

#### § 2356. Powers and duties of state board

For the purposes of this section and sections 57 and 2355, the state board shall have power to accept and expend all funds received by it from the department on appropriation from the General Fund of the State or from such