

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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

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1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

- A. Faculty and instructors; and
- B. Administrative staff; ~~and.~~
- C. ~~Classified employees~~

Effective July 6, 1978

CHAPTER 642

AN ACT Clarifying the Definition of State Employee under the State Employees Labor Relations Act so as to Exclude Certain Attorneys Employed by the Attorney General's Office.

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

Whereas, litigation is currently pending in Kennebec County Superior Court seeking a determination as to whether or not attorneys employed in the Department of Attorney General are included in the definition of state employee for the purpose of collective bargaining under the State Employees Labor Relations Act; and

Whereas, pending a final determination of that litigation the attorneys in the Department of Attorney General are considered a part of the professional and technical bargaining unit for the purpose of collective bargaining under the Act; and

Whereas, the Maine State Employees Association has been elected bargaining agent for that unit; and

Whereas, the Maine State Employees Association is currently in the process of negotiating collective bargaining agreements on behalf of that unit which may unnecessarily include provisions relating to attorneys in the Department of Attorney General in the event that the court finds that they are not properly included in the bargaining unit; and

Whereas, a final decision of the court may not be rendered until after a collective bargaining agreement is negotiated; and

Whereas, the negotiation and execution of a collective bargaining agreement, if attorneys in the Department of Attorney General are not included in the collective bargaining process, would unnecessarily interfere with the Attorney General's responsibility for and relationship with attorneys in the Department of Attorney General; 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:

26 MRSA § 979-A, sub-§ 6, ¶ H is enacted to read:

H. Who is a staff attorney, assistant attorney general or deputy attorney general in the Department of Attorney General.

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

Effective March 14, 1978

CHAPTER 643

AN ACT Amending the Maine Medical and Hospital Malpractice Joint Underwriting Association Act.

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

Sec. 1. 24 MRSA § 2405, sub-§ 1, 1st sentence, as repealed and replaced by PL 1977, c. 7, § 6, is repealed and the following enacted in its place:

The association shall not issue any policies with an inception date after July 1, 1979 and in no event shall issue a policy providing coverage after July 1, 1980.

Sec. 2. 24 MRSA § 2407, sub-§ 3 is enacted to read:

3. Cancellation by insured. An insured may cancel its policy by mailing or delivering a notice to the association at the address shown on the policy stating when, not less than 15 days thereafter, cancellation shall be effective. An insured, so canceling, shall be entitled to a pro rata return of any unearned, prepaid premium and shall be entitled to a pro rata return of any unearned, prepaid stabilization reserve fund charge.

Effective July 6, 1978

CHAPTER 644

AN ACT to Amend the Child Welfare Laws.