

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

1981

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## CHAPTER 273

H. P. 975 — L. D. 1163

## AN ACT to Permit Open Burning of Brush and Demolition Debris.

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

Sec. 1. 38 MRSA § 599, sub-§ 1, ¶ B, as repealed and replaced by PL 1975, c. 228, § 2, is amended to read:

B. Except as provided in subsection 2, open burning of waste of any kind, **other than brush and demolition debris**, at sites other than a municipal solid waste disposal site is prohibited after July 1, 1975.

Sec. 2. 38 MRSA § 599, sub-§ 3, first sentence, as enacted by PL 1973, c. 438, § 8, is amended to read:

Open burning permits **for burning items as provided in subsection 2 at places other than the municipal solid waste facility** may be granted by the forest ranger or town forest fire warden having jurisdiction over the location where the fire is to be set.

Sec. 3. 38 MRSA § 599, sub-§ 3, ¶ A, as enacted by PL 1973, c. 438, § 8, is repealed.

Effective September 18, 1981

## CHAPTER 274

S. P. 466 — L. D. 1322

## AN ACT to Provide Final Offer Arbitration for Collective Bargaining in the Potato Industry.

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

13 MRSA § 1958-A is enacted to read:

§ 1958-A. Final offer arbitration for the potato industry

1. Purpose. The purpose of this section is to establish a system of final offer arbitration which may result in a contract for the sale of potatoes between a handler and a qualified association. This system is meant to encourage, and not to substitute for, the voluntary bargaining provided for elsewhere in the article.

2. **Application; definition.** This section applies only to bargaining for potatoes, subject to this article, by a handler and a qualified association. For purposes of this section, the term "party" means either a handler or a qualified association.

3. **Notice; final negotiation; final offer.**

A. Anytime after March 1st and before March 15th either party may notify the commissioner that it believes a contract will not be signed by both parties by March 15th.

B. All bargaining for potatoes subject to this article to be grown during the current year shall cease at midnight, March 15th.

C. Not later than March 20th, each party to bargaining terminated pursuant to paragraph B shall submit in writing to the commissioner their final offer, consisting at a minimum, of the following:

- (1) Identification of all items for a contract on which the parties agree, with a draft of that part of the contract setting forth this agreement;
- (2) Identification of all items on which there is disagreement, with each party's final offer, with a draft of that part of the contract setting forth this offer; and
- (3) Any other material the party wishes to submit.

The commissioner shall immediately give copies of the written final offer to the arbitrator selected pursuant to subsection 4.

4. **Selection of arbitrator.** Not later than March 15th, the commissioner or his representative shall meet with the parties. He shall present a list with the names of 5 proposed neutral arbitrators. Each party may strike from the list one name for cause and one name peremptorily. The parties shall strike names alternately and the party entitled to strike the first name shall be chosen by lot. The one name remaining after each party has struck 2 names shall be the arbitrator.

5. **Powers of the arbitrator.** The powers of the arbitrator are as follows.

A. The arbitrator may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence and issue subpoenas to compel the attendance of witnesses and the production of records. The arbitrator may petition a District Court to enforce its order compelling the attendance of witnesses and the production of records.

B. The arbitrator shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in this section.

C. Not later than April 1st, the arbitrator shall choose the final offer of one

party. The contractual language for that offer, submitted pursuant to subsection 3, paragraph C, subparagraph (2), plus the language of subsection 3, paragraph C, subparagraph (1) shall be combined into a written proposed contract which shall be presented to the parties.

6. Effect of contract. The contract presented to the parties pursuant to subsection 5 shall not be binding on the parties. The parties may sign the contract prior to April 7th, after which they may not sign any contract subject to this article or bargain for potatoes subject to this article before June 15th.

Effective September 18, 1981

## CHAPTER 275

H. P. 296 — L. D. 326

**AN ACT to Clarify the Length Restriction in the Definition of Camper Trailer under the Tax Laws.**

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

36 MRSA § 1481, sub-§ 1, ¶ B is enacted to read:

**B. A trailer or semitrailer which is 32 feet or longer and primarily designed and constructed to provide temporary living quarters for recreational, camping, travel or other use.**

Effective September 18, 1981

## CHAPTER 276

H. P. 430 — L. D. 477

**AN ACT to Increase the Minimum Base Salary for Executive, Administrative or Professional Employees.**

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

26 MRSA § 663, sub-§ 3, ¶ K, as amended by PL 1975, c. 48, is further amended to read:

**K. Any individual employed in a bona fide executive, administrative or**