

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE

FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

Sec. 28. 20-A MRSA §8403, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

3. Employment of teachers. The superintendent operating a vocational satellite program shall, in consultation with the director of the vocational center, employ teachers in accordance with the procedures established in section 13201.

Sec. 29. 20-A MRSA §15511, sub-§3, ¶J, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

J. An article in substantially the following form shall be used when a municipality, school administrative district or community school district is considering the appropriation of local leeway funds:

"Article : To see what sum the municipality or district shall appropriate from local leeway for school purposes (Recommended total \$, local share \$, state share \$), and to see ~~if~~ what sum the municipality or district shall raise as the local share ~~of~~ \$ (recommended total \$, local share \$, state share \$)."

Emergency clause. In view of the emergency cited in the preamble, sections 1 to 4 of this Act shall take effect when approved. Sections 5 to 29 of this Act shall take effect on July 2, 1983.

Effective June 24, 1983, unless otherwise indicated.

CHAPTER 486

H.P. 1313 - L.D. 1742

AN ACT to Debar from State Contracts
Employers Guilty of Serious, Willful and
Repeated Violations of Safety Standards.

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

26 MRSA §1402 is enacted to read:

§1402. Debarment from state contracts

1. Definitions. As used in this section, unless

the context indicates otherwise, the following terms have the following meaning.

A. "Repeated violation" means a violation of any legal requirement under chapter 22 or under the United States Code, Title 29, Chapter 15, where a previous violation of the same requirement was found which involved a substantially similar hazard.

B. "Serious violation" means a violation where there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, in that place of employment, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

C. "Willful violation" means a violation committed intentionally or knowingly with an intentional disregard of, or plain indifference to, legal requirements under chapter 22 or under the United States Code, Title 29, Chapter 15.

2. Debarment. The Department of Labor shall, after hearing, debar from participation in state contracts for 2 years any person, partnership, corporation or other public or private entity found to have committed a serious, willful violation or serious, repeated violations of a standard under chapter 22 or under the United States Occupational Safety and Health Act of 1970, United States Code, Title 29, Chapter 15, and either the time for filing an appeal of the determination of that violation has expired or the appeals process has been exhausted.

The department may make an exception to this section if the condition giving rise to the violation has been abated.

Effective September 23, 1983

CHAPTER 487

S.P. 584 - L.D. 1694

AN ACT to Provide for Local Option
Voting on Bottle Clubs.

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