

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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Sec. 5. 38 MRSA §1310-W is enacted to read:

§1310-W. County commissioners

1. General authority. County commissioners may enact ordinances to apply within the unincorporated townships and plantations within their jurisdiction for the regulation of solid waste disposal provided that these ordinances are not less stringent than or inconsistent with this Title or the land use regulation law, Title 12, sections 681 to 689.

2. Scope. Ordinances adopted by the county commissioners under this section may include such standards as the county commissioners find reasonable and necessary to protect the public health, safety and welfare and the environment, including without limitation, conformance with federal and state solid waste rules; fire safety; traffic safety; levels of noise which can be heard outside the facility; distance from existing residential, commercial or institutional uses; ground water protection; and compatibility of the solid waste disposal facility with zoning and land use controls administered by the Maine Land Use Regulation Commission.

3. Limitation. County commissioners are prohibited from enacting stricter standards than those contained in this chapter and in the solid waste management rules adopted pursuant to this chapter governing the hydrogeological criteria for siting or designing solid waste disposal facilities or governing the engineering criteria related to waste handling and disposal areas of a solid waste disposal facility.

Sec. 6. Application. Notwithstanding the provisions of Title 1, section 302, this Act may apply to any application for a new or expanded solid waste disposal facility or for transfer of license for an existing solid waste disposal facility pending or filed after the effective date of this Act.

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

Effective October 22, 1987.

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## CHAPTER 558

S.P. 671 — L.D. 1902

### AN ACT to Reduce the Potential for Violence during Labor Disputes.

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

Sec. 1. 26 MRSA §595 is enacted to read:

§595. Hiring of workers during a labor dispute

1. Legislative findings. The Legislature finds that:

A. The practice of receiving applicants for employment, conducting interviews of job applicants or performing medical examinations of job applicants at the worksite of an employer who is currently engaged in a labor dispute with his employees tends to incite violence by bringing individuals who may be considered as replacements for workers to the physical focus of the labor dispute and by encouraging a direct confrontation between these individuals and the prior employees; and

B. The presence of persons carrying dangerous weapons near sites where applications for positions with an employer involved in a labor dispute are being accepted or where interviews of those job applicants are being conducted or medical examinations of those applicants are being performed creates an unacceptable risk of violence; and

C. The public safety requires the regulation of these practices to reduce the likelihood of violence.

2. Purpose. The purpose of this section is to reduce the potential for violence during labor disputes by prohibiting certain provocative acts and imposing penalties for failure to obey this section.

3. Receiving job applicants at worksite prohibited. No employer may perform any of the following acts at any of that employer's plants, facilities, places of business or worksites where a labor dispute, strike or lockout involving the employees of that employer is in progress:

A. Receiving persons for the purpose of soliciting or receiving applications for employment with the employer;

B. Conducting or having conducted interviews of applicants for employment with the employer; or

C. Performing or having performed medical examinations of applicants for employment with the employer.

Any employer who violates this subsection is subject to a civil penalty not to exceed \$10,000 for each day the violation continues, payable to the State, to be recovered in a civil action. Upon request, any court of competent jurisdiction shall also enjoin the violation under section 5.

The Attorney General, the Commissioner of Labor or any employee, employees or bargaining agent of employees involved in the labor dispute may file a civil action to enforce this subsection.

4. Hiring off-site permitted. An employer involved in a labor dispute, strike or lockout may perform hiring activities prohibited under subsection 3 at any site other than his customary plants, facilities, places of business or worksites where a labor dispute, strike or lockout involving the employees of that employer is in progress.

A. The employer must notify the law enforcement agencies of the county and municipality in which these activities will be conducted at least 10 days before commencing hiring activities.

B. No employee of the employer conducting hiring activities under this subsection and who is involved in the labor dispute, strike or lockout may picket, congregate or in any way protest the hiring activity of the employer within 200 feet of the building or structure at which such activities are taking place. Violation of this paragraph is a Class E crime.

5. Dangerous weapons prohibited. It is a Class D crime for any person, including, but not limited to, security guards and persons involved in a labor dispute, strike or lockout, to be armed with a dangerous weapon, as defined in Title 17-A, section 2, subsection 9, at a site where applications for employment with an employer involved in a labor dispute, strike or lockout are being received or where interviews of those job applicants are being conducted or where medical examinations of those job applicants are being performed.

A. A person holding a valid permit to carry a concealed firearm is not exempt from this subsection.

B. A security guard is exempt from this subsection to the extent that federal laws or rules required the security guard to be armed with a dangerous weapon at such a site.

C. A public law enforcement officer is exempt from this subsection while on active duty in the public service.

D. A security guard employed by an employer involved in a labor dispute, strike or lockout may be present at the location where applications for employment with the employer will be accepted, interviews of those applicants conducted or medical examinations of those applicants performed to the extent permitted under Title 32, chapter 93. Nothing in this section may be construed to extend or limit in any way the restrictions placed upon the location of private security guards under Title 32, chapter 93.

Sec. 2. 30 MRSA §953, as repealed and replaced by PL 1977, c. 431, §8, is amended by adding at the end a new paragraph to read:

No deputy or special deputy may wear or display a uniform or badge that identifies him as a public law enforcement officer at the site of a labor dispute, strike or lockout except while on active duty in the public service and while traveling to and from public work.

Sec. 3. 30 MRSA §2367 is enacted to read:

§2367. Wearing of uniforms or badges

No municipal police officer, special police officer, con-

stable or other municipal law enforcement officer may wear or display a uniform or badge that identifies him as a public law enforcement officer at the site of a labor dispute, strike or lockout except while on active duty in the public service and while traveling to and from public work.

Effective January 9, 1988.