

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
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not less than \$100 nor more than \$1,000 as liquidated damages, and for costs and reasonable attorney's fees. No action may be brought under this subsection more than 30 months after the date of the occurrence of the violation.

Sec. 5. 29 MRSA §367, sub-§1, ¶D and E, as enacted by PL 1981, c. 437, §14, are amended to read:

D. Odometer reading at the time of sale or transfer of interest in the vehicle; and

E. Any additional information which may be required by the official form provided by the Secretary of State; and

Sec. 6. 29 MRSA §367, sub-§1, ¶F is enacted to read:

F. A statement that a completed disclosure, required by Title 10, section 1475, subsection 1, was affixed to the vehicle before it was sold or transferred at auction.

See title page for effective date.

CHAPTER 199

H.P. 965 - L.D. 1343

An Act Concerning Fishing Licenses for Developmentally Disabled Persons

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

12 MRSA §7076, sub-§13 is enacted to read:

13. Mentally retarded person. A 3-year complimentary license to fish shall be issued to any mentally retarded person, as defined in Title 20-A, section 7001, subsection 3, upon application to the commissioner.

See title page for effective date.

CHAPTER 200

S.P. 101 - L.D. 120

An Act to Make Changes to the Human Resource Development Council in Order to Conform with the United States Economic Dislocation and Worker Adjustment Assistance Act of 1988

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

Sec. 1. 26 MRSA §2005, sub-§3, as enacted by PL 1987, c. 471, §4, and c. 542, Pt. F, §4, is repealed and the following enacted in its place:

3. Membership. The council shall be composed of 30 members appointed by the following and serving at the pleasure of the appointing authority. Appointments, consistent with the requirements of the United States Job Training Partnership Act, Section 122(a)(2) and Section 122(a)(3), as amended by the United States Economic Dislocation and Worker Adjustment Assistance Act, Public Law 100-418, shall represent the following sectors.

A. The Governor shall appoint 9 representatives from the private sector. Those members shall be chief executive officers or executives who hold high-level management positions, including one current member from each existing Private Industry Council who represents the private sector.

B. The Governor shall appoint 7 members representing any of the following:

(1) Representatives of state bodies, such as the Department of Educational and Cultural Services, the Department of Economic and Community Development, the Department of Labor, the Department of Human Services, the Maine Occupational Information Coordinating Committee, the University of Maine System, the Maine Vocational-Technical Institute and other agencies which the Governor determines have a direct interest in employment and training and human resource utilization within the State; and

(2) Representatives of municipalities or counties who are nominated by the municipal officers or the county commissioners and representatives of local education agencies who are nominated by those agencies.

C. The Governor shall appoint 5 representatives of organized labor and 4 representatives of community-based organizations in the State.

D. The Governor shall appoint 3 representatives of the general public.

E. The President of the Senate, or the President's designee; and the Speaker of the House of Representatives, or the Speaker's designee shall serve on the council.

Sec. 2. 26 MRSA §2005, sub-§5, ¶D, as enacted by PL 1987, c. 471, §4, and c. 542, Pt. F, §4, is amended to read:

D. Review the plans of all state agencies identified in the "Human Resource Development Coordination Criteria."

The council shall advise the Governor and Legislature on these plans and certify the consistency of such plans with the criteria contained in the "Human Resource Development Coordination Criteria."

The council shall also review and comment, annually, on the reports required pursuant to the Carl D. Perkins Vocational Education Act of 1984, Public Law 98-524, Sections 113(b)(9), 113(c)(1) and 114(a)(1), as amended, and review and comment on the state plan developed by the state employment service agency, and review and comment pursuant to the Family Support Act of 1988, Public Law 100-998, Section 483(a)(2) on the state plan developed by the state income maintenance agency;

Sec. 3. 26 MRSA §2005, sub-§5, ¶H, as enacted by PL 1987, c. 471, §4, and c. 542, Pt. F, §4, is amended to read:

H. Perform the following additional duties:

- (1) Recommend to the Governor and Legislature substate service delivery areas, as well as substate areas, grantees and procedures for the selection of representatives pursuant to the United States Economic Dislocation and Worker Adjustment Assistance Act, Public Law 100-418;
- (2) Recommend resource allocations under the United States Job Training Partnership Act, Titles I ~~and~~ II, ~~and~~ III that are not subject to the United States Job Training Partnership Act, Sections 202(a);
- (3) Develop appropriate relationships with other programs;
- (4) Coordinate activities with Private Industry Councils; ~~and~~
- (5) Recommend variations in performance standards. Such recommendations shall be contained in the "Human Resource Development Coordination Criteria;" and
- (6) Submit comments to the Governor on state and substate plans and programs for dislocated workers, as required under the United States Economic Dislocation and Worker Adjustment Assistance Act, Public Law 100-418.

Sec. 4. 26 MRSA §2005, sub-§12 is enacted to read:

12. Transitional provisions. Transitional provisions are as follows:

A. In order to ensure continuity during the planning cycle, those members who are serving on the council as of December 1988 and who will be displaced by the reconstitution of the council under the United States Economic Dislocation and Worker Adjustment Assistance Act, Public Law 100-418 shall continue to serve until June 30, 1989.

Sec. 5. Application. This Act shall apply retroactively to January 23, 1989.

See title page for effective date, unless otherwise indicated.

CHAPTER 201

H.P. 1170 - L.D. 1624

An Act to Amend the Agricultural Marketing and Bargaining Law

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

Whereas, the planting of a significant portion of the potato crop has been disrupted because of a breakdown in negotiations between processors and producers; and

Whereas, economic hardship may occur within the potato industry and all of northern Maine unless the current situation is resolved; 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:

Sec. 1. 13 MRSA §1958-B, sub-§5, ¶¶A and B, as enacted by PL 1987, c. 155, §15, are amended to read:

A. As to all matters submitted to arbitration, the arbitrator shall choose between the final offers of the parties. If the parties reach an agreement on the matters under arbitration before the arbitrator issues ~~his~~ a decision, they may submit a joint final offer which the arbitrator shall accept and render as ~~his~~ the decision. 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. A person who fails to obey the subpoena of an arbitrator may be punished for contempt of court on application by the arbitrator to the Superior Court for the county in which the failure occurs. The arbitrator may utilize other information in addition to that provided by or elicited from the parties. The arbitrator shall issue a decision within 10 days of the commencement of arbitration and that decision shall be binding on the parties. If the parties reach an agreement on the matters in the arbitrator's decision prior to signing the contract, they may submit a joint final offer to the arbitrator. The arbitrator shall rescind the previous decision and accept and render the joint final offer as the decision.