

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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.

B. Within 25 days of the arbitrator's decision, the board shall prepare a contract which shall include all terms agreed to by the parties in bargaining or settled by voluntary or required mediation or by arbitration and shall present the contract to the parties, who shall sign the contract within 2 days of its presentation. After the parties have signed the contract, the terms of the contract may be modified by mutual agreement of the parties. A copy of any contract modified under this paragraph shall be filed with the board.

Sec. 2. Sunset provision. This Act is repealed on January 1, 1990.

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

Effective June 1, 1989.

CHAPTER 202

H.P. 290 - L.D. 402

An Act to Allow Flexibility in Establishing Regional Planning Commissions

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

30-A MRSA §2321, sub-§1, ¶A is enacted to read:

A. If 4 to 6 municipalities desire to form a regional planning commission, each proposed member municipality must receive the consent of the commissioners of the county in which the municipality is located.

(1) Upon receiving a request for the formation of a regional planning commission under this paragraph, the county commissioners shall notify all proposed member municipalities and any regional planning commission in the county of the request and shall hold a public hearing on the request.

(2) The county commissioners shall grant a request by a municipality to join in the formation of a regional planning commission composed of 4 to 6 municipalities if that formation furthers the purposes of this chapter.

See title page for effective date.

CHAPTER 203

H.P. 212 - L.D. 292

An Act to Improve the Regulation of Harness Racing

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

Whereas, it is the intent of the Legislature that the amended licensure procedures should apply to the 1989 racing season; and

Whereas, nonemergency Acts will not take effect until after the start of the 1989 racing season; 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. 5 MRSA §10051, sub-§1, as amended by PL 1987, c. 141, Pt. B, §3, is further amended to read:

1. Jurisdiction. Except as provided in section 10004; Title 8, section 279-B; Title 10, section 8003; Title 29; and Title 35-A, section 3132, the Administrative Court shall have exclusive jurisdiction upon complaint of any agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General to revoke or suspend licenses issued by the agency and shall have original jurisdiction upon complaint of an agency to determine whether renewal or reissuance of a license of that agency may be refused.

Sec. 2. 8 MRSA §271, sub-§3, as enacted by PL 1985, c. 444, §2, is amended to read:

3. Overlapping race dates. The commission shall not award overlapping race dates for extended meets to licensees which are within 50 miles of each other without the approval of ~~2/3~~ 60% or more of the entire commission, ~~except that a majority of the commission upon request by the Commissioner of Agriculture, Food and Rural Resources may award up to 8 trial overlapping race dates during 1986 following an evaluation by the commissioner of the impact of overlapping race dates.~~

Sec. 3. 8 MRSA §279-B, as repealed and replaced by PL 1977, c. 694, §153, is amended to read:

§279-B. Fines, suspensions and revocations

In order to enforce the rules ~~and regulations~~ referred to in section 279-A, the commission is authorized to establish a schedule for fines not to exceed \$100 for each violation of the rules and regulations. The commission is authorized to levy a fine, after notice and hearing, for each violation of the rules ~~and regulations~~.

The commission is further authorized to establish a schedule of suspensions of licenses ~~and may levy suspensions~~ for each violation of the rules ~~and regulations~~.