

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
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

CHAPTER 406

H.P. 1060 - L.D. 1482

An Act to Prohibit Dumping of Sanitary Waste in Inland Waters

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

Sec. 1. 12 MRSA §7799-A is enacted to read:

§7799-A. Waste water discharge in inland waters

No person may operate a watercraft in inland waters with a marine toilet, shower or sink unless the waste water from the toilet, shower or sink is fed directly into a holding tank. The holding tank for sanitary waste water must not in any way be connected to any through-hull fittings.

Sec. 2. 12 MRSA §7801, sub-§2-A is enacted to read:

2-A. Illegal operation of watercraft on inland waters. A person is guilty of operating a watercraft in violation of section 7799-A if that person launches a watercraft into, or operates a watercraft on inland waters with a marine toilet, shower or sink the waste water of which is not fed directly into a holding tank or if the holding tank for sanitary waste water is connected to any through-hull fittings.

Sec. 3. Effective date. This Act shall take effect April 1, 1990.

Effective April 1, 1990.

CHAPTER 407

S.P. 372 - L.D. 996

An Act to Limit the Granting of Injunctions in Labor Disputes

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

Sec. 1. 26 MRSA §5, as amended by PL 1987, c. 736, §43, is further amended to read:

§5. Injunctions in labor disputes without hearing prohibited

No court nor any judge or judges thereof of any court shall may issue a preliminary or permanent injunction in any case involving or growing out of a labor dispute except after hearing the testimony of witnesses in open court with opportunity for cross-examination and after a showing that ~~such~~ the injunction is necessary to avoid a substantial and irreparable injury to the complainant's property and that the public officers charged with the duty to protect the complainant's property are unable or unwilling to furnish adequate protec-

tion. ~~Such~~ The hearing shall be held after due and personal notice thereof of the hearing has been given in such manner as the court shall ~~direct~~ directs to all known persons against whom relief is sought.

If a complainant ~~shall allege~~ alleges that the issuance of a temporary restraining order before ~~such~~ the hearing can be held is necessary ~~in order~~ to avoid a substantial and irreparable injury to complainant's property, a temporary restraining order may be granted upon the expiration of ~~such~~ any reasonable notice as the court may direct by order to show cause but in no case less than 48 hours.

~~Said~~ The order to show cause shall must specify facts sufficient to justify the court to issue a preliminary injunction. ~~Said~~ The order shall be based upon testimony under oath or, in the discretion of the court, upon affidavits sworn to before a notary public. ~~Such~~ The order shall be served upon the party or parties to be restrained.

~~Such~~ The temporary restraining order shall be effective for no longer than 5 days except as hereafter provided in this section. If the hearing for a preliminary injunction ~~shall have been~~ has begun before the expiration of the ~~said~~ 5 days, and if the complainant has shown by clear and convincing evidence that an imminent danger of substantial and irreparable injury to ~~his or its property or to his person~~ the complainant's property or person will exist if the restraining order is not continued, the restraining order may, in the court's discretion, be continued until a decision is reached upon the issuance of the preliminary injunction.

A temporary restraining order without notice may be issued only on the condition that the complainant has shown by clear and convincing evidence that an imminent danger of substantial and irreparable injury to ~~his or its~~ the complainant's property or ~~to his~~ person exists in the absence of a restraining order. ~~Said~~ The order without notice may furthermore be issued only on the condition that the complainant ~~shall~~ must first file an undertaking with adequate security sufficient to recompense those enjoined for any loss, expense or damage caused by the issuance of ~~such~~ the order, including all reasonable costs and expense for defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

No restraining order or injunctive relief may be granted to any complainant who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make reasonable effort to settle the dispute either by negotiation or with the aid of any available governmental machinery of mediation or voluntary arbitration.

No officer or member of any association or organization, and no association or organization participating or interested in a labor dispute, may be held responsible or liable in any state court for the unlawful acts of individual officers, members or agents, except upon clear proof of actual participation in or actual authorization of these acts, or of ratification of these acts after actual knowledge of the acts.

Nothing in this section shall may deprive any party of any remedy that may be had at law.

Sec. 2. Application. This Act shall apply only to actions filed on or after the effective date of this Act.

See title page for effective date.

CHAPTER 408

H.P. 999 - L.D. 1388

An Act to Improve Retraining Opportunities for Maine Workers

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

Sec. 1. 26 MRSA §2015-A, sub-§8, ¶A, as enacted by PL 1987, c. 775, §3, is amended to read:

A. A training voucher of up to \$3,000 for the following activities:

- (1) Tuition for education and training;
- (2) Training materials or books necessary for participation in the training;
- (3) Payment for dependent care costs, provided those costs do not exceed the prevailing regional rate for such care; and
- (4) Travel payments according to the policies established by the United States Job Training Partnership Act service providers; and
- (5) Payment of a living allowance in the same amount as the participant's prior unemployment compensation weekly benefit amount for a reasonable time period to allow the employee to complete the employability development plan, provided that the individual has exhausted all entitlement to unemployment compensation and is ineligible for extended benefits as a dislocated worker under section 1196;

Sec. 2. 26 MRSA §2015-A, sub-§8, ¶C, as enacted by PL 1987, c. 775, §3, is amended to read:

C. While a participant is collecting unemployment benefits or for the duration of the training program which does not exceed one year, an exception to the limitations set forth in paragraph A shall be granted for supportive services when additional funds for transportation, living allowance and dependent care are necessary for the participant to complete the training specified in the individual employment plan and the participant is unable to purchase these

services transportation, basic necessities or dependent care. The commissioner shall adopt rules under the Maine Administrative Procedure Act, Title 5, chapter 375, to determine the requirements for these exceptions.

Sec. 3. 26 MRSA c. 33 is enacted to read:

CHAPTER 33

JOB TRAINING SYSTEM

§2171. Maine Job Training System

This chapter applies to actions taken under the Maine Job Training System. For the purposes of this chapter, the "Maine Job Training System" means all state and federal education and training programs administered by the Department of Labor and operated by a network of private industry councils and their respective service delivery areas and service providers, including:

1. Job Training Partnership Act. The state program under the United States Job Training Partnership Act, Public Law 97-300, as amended by the Omnibus Trade and Competitiveness Act, Public Law 100-418;
2. Maine Training Initiative. The Maine Training Initiative program under sections 2013 and 2014;
3. ASPIRE. The Additional Support for People in Retraining and Education program under Title 22, chapter 1054-A;
4. STAR. The Strategic Training for Accelerated Reemployment program under section 2015-A; and
5. Health Occupations Training Project. The Health Occupations Training Project under chapter 31.

§2172. On-the-job training contracts; apprenticeships

1. Application. This section applies to all on-the-job training contracts entered into by any agency or organization, public or private, that provides a wage subsidy for a trainee with public funds, including all contracts written under the Maine Job Training System.

2. Standards for on-the-job training contracts. All on-the-job training contracts must meet the following requirements of this subsection.

A. The occupation for which the contract is written is one which traditionally requires specific occupational training as a prerequisite.

B. The firm or establishment with which the contract is made is not involved in a strike, lockout or other labor dispute.

C. The trainee working under the contract shall receive the same wages and benefits and be subject to the same working conditions as other employees