

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

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J.S. McCarthy Company  
Augusta, Maine  
1991

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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Sec. 1. 26 MRSA §892, as amended by PL 1983, c. 812, §160, is further amended to read:

panel ~~shall be~~ is the responsibility of the Executive Director of the Maine Labor Relations Board.

§892. Panel

See title page for effective date.

A panel of mediators, as established by Title 5, section ~~12002~~ 12004-B, subsection 3, to consist of not less than 5 nor more than 10 impartial members, ~~shall must~~ be appointed by the Governor, ~~with the advice and consent of the Council~~, from time to time upon the expiration of the terms of the several members, for terms of 3 years. ~~They shall be chosen by the Governor from a list, containing at least 5 times as many names as the number of persons to be chosen, supplied at least once a year by the~~ The Maine Labor Relations Board ~~shall supply to the Governor nominations for filling vacancies.~~ Vacancies occurring during a term ~~shall be~~ are filled for the unexpired term. Members of the panel ~~shall be compensated~~ are entitled to compensation according to the provisions of Title 5, chapter 379. The costs for services rendered and expenses incurred by the panel ~~shall be~~ are paid by the State from an appropriation for ~~said~~ the panel which ~~shall must~~ be included in the budget of the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by members of the panel ~~shall be~~ is the responsibility of the Executive Director of the Maine Labor Relations Board.

Sec. 2. 26 MRSA §965, sub-§2, ¶C, as amended by PL 1987, c. 468, §§2 and 4, is further amended to read:

C. A panel of mediators, to consist of not less than 5 nor more than 10 impartial members, ~~shall must~~ be appointed by the Governor from time to time upon the expiration of the terms of the several members, for terms of 3 years. ~~They shall be chosen by the Governor from a list, containing at least 5 times as many names as the number of persons to be chosen, supplied at least once a year by the~~ The Maine Labor Relations Board ~~shall supply to the Governor nominations for filling vacancies.~~ Vacancies occurring during a term ~~shall be~~ are filled for the unexpired term. Members of the panel ~~shall each receive~~ are entitled to \$100 a day beginning July 1, 1988, for ~~their~~ are services for the time actually employed in the discharge of their official duties and ~~shall also receive their~~ are entitled to traveling and all other necessary expenses. The costs for services rendered and expenses incurred by members of the panel of mediators ~~shall be~~ are paid by the State for those mediation cases not exceeding 3 days in length from an appropriation for the panel which ~~shall must~~ be included in the budget of the ~~Public Employees~~ Maine Labor Relations Board. Any costs for services rendered and expenses incurred by the panel of mediators beyond the 3rd mediation day per case ~~shall must~~ be shared equally by the parties to the proceedings, except that on a showing by either party that the payment would impose undue financial hardship, the executive director may waive all or part of the obligation. The amount waived ~~shall must~~ be paid from the ~~above-mentioned~~ appropriation. Authorization for services rendered and expenditures incurred by members of the

CHAPTER 93

H.P. 100 - L.D. 141

An Act to Change the Title of the Commission on Safety in the Maine Workplace

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

Sec. 1. 5 MRSA §12004-G, sub-§26, as enacted by PL 1987, c. 786, §5, is amended to read:

26. Labor Commission on Expenses 26 MRSA Safety and Only §51 Health in the Maine Workplace

Sec. 2. 26 MRSA §51, as enacted by PL 1987, c. 559, Pt. B, §7, is amended to read:

§51. Commission on Safety and Health in the Maine Workplace

1. Purpose; members; compensation. The Commission on Safety and Health in the Maine Workplace, established by Title 5, chapter 379, ~~section 12004-G, subsection 26,~~ shall consist ~~consists~~ of knowledgeable citizens who shall examine safety attitudes, programs and procedures in ~~Maine's~~ the State's workplaces; identify initiatives to reduce the frequency, severity and cost of work-related accidents and illnesses; and promote and improve best-practice safety programs.

A. The Governor shall appoint the members of the commission, which ~~shall consist~~ consists of not more than 12 members, including:

- (1) Three members with expertise and professional qualifications in the field of occupational safety and health;
- (2) Two members representing workers and 2 members representing private employers, all of whom must be knowledgeable in the area of workplace safety; and
- (3) Other members the Governor considers necessary and appropriate to carry out the purposes of this section.

B. Initial appointments ~~shall be~~ are made for terms of one, 2, 3 and 4 years such that the terms of approximately 1/4 of the members expire in each year. All subsequent appointments ~~shall be~~ are for terms of 4

years. Each member shall hold office until ~~his~~ a successor is appointed and qualified.

C. The Governor shall appoint the ~~chairman~~ chair of the commission and the Commissioner of Labor shall serve as ~~vice-chairman~~ vice-chair. The commission shall actively seek information and involvement from organized labor, the professional safety community, the various state and federal agencies concerned with safety and interested private citizens, groups and organizations.

D. The appointed members of the board ~~shall be compensated~~ are entitled to compensation according to Title 5, chapter 379. The commission ~~chairman~~ chair must approve and countersign all vouchers for expenditures under this paragraph.

**2. Duties.** The commission shall conduct studies and hold public meetings as necessary to develop findings and recommendations respecting each of the following issues:

A. Evaluation of the effectiveness of current worker safety efforts, practices and programs in the State and the attitudes of employers and workers toward safety;

B. Identification of the best-practice safety programs in the State and elsewhere, whose ~~wide-spread~~ wide-spread adoption would reduce the incidence, severity and cost of workplace accidents and illnesses;

C. Identification of emerging occupational safety and health issues that will be of importance in the future and assessment of their policy implications; and

D. Determination of existing statistical information on accidents and illnesses and reliability and adequacy to monitor trends and to support effective safety rehabilitation and compensation programs;

The commission shall also review occupational safety loan requests as provided for in section 63.

**3. Recommendations.** The commission shall make recommendations on a continuing basis to include:

A. Specific recommendations for action by the Governor, the Legislature, educators, the safety profession, employers and workers ~~which that~~ will reduce the frequency, severity and costs of work-related accidents and illnesses and ~~which~~ will enhance, promote and improve safety in ~~Maine's~~ the State's workplaces; and

B. Recommendations for actions that will improve employer, worker and public attitudes toward safety in the workplace and that will create a continuing public-private, employer-employee partnership in the area of job safety.

**4. Support.** The Department of Labor shall provide administrative, clerical and technical support to the commis-

sion and act as its fiscal agent unless otherwise provided for. All agencies of the State shall cooperate fully with the commission.

**Sec. 3. 26 MRSA §63, sub-§1, ¶¶D and E,** as amended by PL 1987, c. 559, Pt. B, §9, are further amended to read:

D. A majority vote of the Commission on Safety and Health in the Maine Workplace is necessary to recommend approval of a loan ~~which shall that is then be~~ transmitted to the department for final disposition in accordance with the policies adopted by the department;

E. Loan applications ~~shall~~ must be reviewed by both the Commission on Safety and Health in the Maine Workplace and the department for feasibility, such as, for the general reasonableness and safety need for the proposal, whether the applicant has sufficient capital, whether an adequate safety analysis or other counseling requirement has been completed, whether the applicant is ~~credit worthy~~ creditworthy within the scope of this program and whether the collateral offered to secure the loan is adequate;

**Sec. 4. 26 MRSA §63, sub-§2-A,** as enacted by PL 1987, c. 559, Pt. B, §11, is amended to read:

**2-A. Commission on Safety and Health in the Maine Workplace.** The Commission on Safety and Health in the Maine Workplace shall review loan proposals under this section. The commission shall meet at least twice yearly for this purpose in Augusta or any other place designated by the ~~chairman~~ chair.

See title page for effective date.

## CHAPTER 94

S.P. 63 - L.D. 115

### An Act to Amend the Special Archery Hunting Season Laws

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

**12 MRSA §7102, sub-§4, ¶B,** as amended by PL 1981, c. 414, §16, is further amended to read:

B. ~~There shall be~~ The commissioner shall by rule establish a special open season ~~from the first day of October beginning at least 30 days prior and extending~~ to the beginning of the regular deer hunting season, as described in section 7457, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only.

See title page for effective date.