

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**RESOLVES**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND SPECIAL SESSION**

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

**1991**

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**CHAPTER 52****S.P. 791 - L.D. 1989****Resolve, Authorizing the Transfer of Corporate Rights from Great Northern Nekoosa Corporation to Great Northern Paper, Incorporated**

**Sec. 1. Transfer of assets. Resolved:** That the rights, privileges, immunities and franchises granted to Great Northern Nekoosa Corporation, and to its predecessors in interest, by the State and necessary or convenient to the ownership or operation of its properties in the State, other than those otherwise granted to a corporation under the Maine Revised Statutes, Title 13-A, are hereby deemed to run with the physical assets of that corporation located in the State and necessary to produce paper and that upon transfer of those assets the Legislature confirms the transfer of the rights, privileges, immunities and franchises to the successor in title of those assets; and be it further

**Sec. 2. Retroactivity. Resolved:** That this Resolve applies retroactively to December 18, 1991.

Effective April 7, 1992.

**CHAPTER 53****H.P. 139 - L.D. 199****Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers**

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

**Whereas,** the past use of professional strikebreakers to replace striking employees in the State created an atmosphere of tension and resentment within the State and raised complex issues which need to be studied by the Legislature; and

**Whereas,** the study proposed by this resolve must be completed in time for a report to be submitted to the Second Regular Session of the 115th Legislature and therefore it is essential that this study be initiated as soon as possible; 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

**Sec. 1. Commission established. Resolved:** That the Commission to Study the Use of Professional Strikebreakers is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following 7 members:

1. One representative of the executive branch appointed by the Governor;
2. One representative of organized labor appointed by the Governor;
3. One representative of employers appointed by the Governor;
4. Three members of the Legislature appointed jointly by the President of the Senate and the Speaker of the House of Representatives; and
5. One retired judge or justice appointed by the Chief Justice of the Supreme Judicial Court; and be it further

**Sec. 3. Appointments; meeting. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The President of the Senate and the Speaker of the House of Representatives jointly shall appoint the chair of the commission from among its members. When the appointment of all of the members of the commission is completed, the chair of the commission shall call the first meeting not later than August 15, 1991; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall study the use of professional strikebreakers in labor disputes and evaluate its impact upon collective bargaining between employees and their employers. If the commission finds that the use of professional strikebreakers upsets the balance of bargaining power between employees and employers and contributes to the potential for violence during labor disputes, the commission shall investigate and recommend ways in which the potential for violence may be reduced by achieving a proper balance of bargaining power within the constraints of federal preemption under the National Labor Relations Act or other federal laws; and be it further

**Sec. 5. Report. Resolved:** That the commission shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 115th Legislature and to the Office of the Executive Director of the Legislative Council by November 1, 1991; and be it further

**Sec. 6. Staff assistance. Resolved:** That the commission may contract with a consultant to provide professional services in carrying out its duties subject to

the approval of the Executive Director of the Legislative Council in accordance with guidelines adopted by the Legislative Council. The consultant shall provide clerical assistance to the commission and prepare any legislation recommended by the commission. The chair of the commission shall manage the consultant's work; and be it further

**Sec. 7. Reimbursement. Resolved:** That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at commission meetings. All members of the commission who are not state employees are entitled to receive expenses, as defined in the Maine Revised Statutes, Title 5, section 12002, upon application to the Executive Director of the Legislative Council for those expenses; and be it further

**Sec. 8. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1991-92

**LEGISLATURE**

**Commission to Study the Use of Professional Strikebreakers**

Personal Services	\$990
All Other	6,700

Provides funds for the Commission to Study the Use of Professional Strikebreakers, including per diem of legislative members, commission expenses and contractual services.

**LEGISLATURE TOTAL** \$7,690

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective December 21, 1991.

**CHAPTER 54**

**S.P. 350 - L.D. 952**

**Resolve, Authorizing a Payment to Steven P. Smith and Ramona Smith of \$47,908.06**

**Sec. 1. Steven P. Smith and Ramona Smith; State authorized to make payment of \$47,908.06. Resolved:** That the Treasurer of State be authorized to pay to Steven P. Smith and Ramona Smith of Kezar

Falls, in Cumberland County, the sum of \$47,908.06 as compensation for overpayment of gasoline taxes to the State from August 1, 1983 to June 30, 1986.

Payment is payable from the State Treasury and chargeable to the Department of Finance, Bureau of Taxation; and be it further

**Sec. 2. Allocation. Resolved:** That the following funds are allocated from the Highway Fund to carry out the purposes of this resolve.

1991-92

**FINANCE, DEPARTMENT OF**

**Bureau of Taxation**

All Other	\$47,909
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Provides funding to repay Steven P. Smith and Ramona Smith for the overpayment of gasoline taxes.

Effective April 7, 1992.