

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

(2) Certification by the National Commission for the Certification of Acupuncturists;

(3) A minimum of 1,000 hours of classroom instruction in acupuncture and related subjects at an institution approved by the Acupuncture Licensing Board; and

(4) A minimum of 300 hours of clinical experience in acupuncture; and,

~~(5) A baccalaureate degree from an accredited institution of higher learning or enrollment in a program leading to such a degree. Persons without a degree shall submit evidence of enrollment each year on the anniversary of their licensure and their license shall be suspended in those years for which they do not provide that evidence. A license based on enrollment in a degree program shall be revoked 5 years after its first issuance unless evidence is presented of attainment of a baccalaureate degree from an accredited institution of higher learning; or~~

~~(6) A license from the State as a registered professional nurse or enrollment in an approved professional school of nursing in a program leading to a diploma. A person without a license as a registered nurse shall submit evidence of enrollment each year on the anniversary of licensure as an acupuncturist and the license shall be suspended in those years for which that person does not provide that evidence. A license based on enrollment in a diploma program shall be revoked 3 years after its first issuance unless evidence is presented of licensure by the State as a registered professional nurse.~~

See title page for effective date.

CHAPTER 36

S.P. 38 - L.D. 50

An Act to Amend the Requirements for Notice of Public Proceedings of the Public Utilities Commission

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

Sec. 1. 35-A MRSA §108, as amended by PL 1987, c. 614, § 1, is repealed.

Sec. 2. 35-A MRSA §108-A is enacted to read:

§108-A. Commission action; quorum; notice

A majority of the duly appointed commissioners constitutes a quorum and the act or decision of a majority of commissioners present, if at least a quorum is present, is the act or decision of the commission in any formal proceeding before the commission.

Notwithstanding Title 1, section 406, the commission is required to give notice of public proceedings only if the commission will deal with the expenditure of public funds or if the commission will make any of the following decisions in proceedings before it: a decision to initiate rulemaking or to adopt or modify a rule pursuant to Title 5, chapter 375, subchapter II; a decision making an advisory ruling pursuant to Title 5, chapter 375, subchapter III; a decision to commence an adjudicatory proceeding, an interim decision in an adjudicatory proceeding that will affect the substantive or procedural rights of any party, or a final decision at the conclusion of an adjudicatory proceeding, all pursuant to Title 5, chapter 375, subchapter IV; or a decision in any other proceeding pursuant to this Title or the commission's rules that requires commission approval or decision. In addition, if the commission is participating as a party in a proceeding before a federal agency and the commission will adopt a position in that federal proceeding, the commission shall give to other parties from the State who are participating in the federal proceeding notice of the public proceeding at which the commission may adopt that position.

See title page for effective date.

CHAPTER 37

H.P. 346 - L.D. 449

An Act to Amend the Laws Regarding Motor Vehicle Air Conditioning

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

Whereas, current law prohibits the sale of a motor vehicle with a model year of 1994 or later if the vehicle has an air conditioning unit containing chlorofluorocarbon; and

Whereas, the technology does not currently exist to permit all 1994 model cars to comply with this prohibition; and

Whereas, 1994 model cars are now being produced by manufacturers, but will not be available for sale in Maine unless the law is changed to delay the deadline for removing chlorofluorocarbons from air conditioning, as provided in this Act; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-

stitution 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. 38 MRSA §1606, sub-§5, as enacted by PL 1989, c. 622, is amended to read:

5. Registration. A motor vehicle with a model year of ~~1994~~ 1995 or later may not be registered in the State or sold to a consumer or dealer in the State if it contains air conditioning equipment that uses CFCs.

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

Effective April 2, 1993.

CHAPTER 38

H.P. 165 - L.D. 217

An Act to Amend the Municipal Public Employees Labor Relations Laws

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

Sec. 1. 26 MRSA §966, sub-§4, as enacted by PL 1989, c. 236, is amended to read:

4. Unit merger; same bargaining agent. If there is the same certified or currently recognized bargaining representative of public employees in multiple bargaining units with the same public employer, the public employer or certified or recognized bargaining representative may file a petition with the executive director to merge those bargaining units. Upon the finding of the executive director or the director's designee that the expanded unit would conform with the requirements set forth in this ~~section~~ subsection, the executive director shall order an election within each bargaining unit to determine whether a majority of the employees voting in each bargaining unit wish to be within the expanded unit. The only question on the ballot in a merger election ~~shall be~~ is approval or disapproval of the proposed merger. The executive director or the director's designee shall certify the bargaining agent for an expanded unit consisting of any bargaining units in which a majority of the employees voting approved the merger.

A. After an expanded unit is certified, the parties shall then bargain over modifications needed in order to provide for the wages, hours and working conditions or contract grievance arbitration for the newly included positions in any existing collective

bargaining agreement or any collective bargaining agreement being negotiated.

~~Where~~ When there is an unexpired collective bargaining agreement in the merged bargaining unit with a different expiration date from any other collective bargaining agreement in the merged bargaining unit, all contracts ~~shall~~ must be honored to their expiration ~~date~~ dates unless mutually agreed to otherwise by the public employer and the bargaining agent. Collective bargaining agreements may be bargained on an interim basis in any merged bargaining unit so that all collective bargaining agreements expire on the same date.

B. If a petition has been filed by a competing organization for decertification of the current bargaining agent for any of the bargaining units subject to the merger, then the decertification petition takes precedence over a petition to merge bargaining units.

C. A public employer or certified or recognized bargaining representative may not file more than once a year with the executive director to merge or combine bargaining units for the same bargaining unit.

D. The executive director or the director's designee conducting unit merger proceedings may administer oaths and may require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relating to the issues presented to the executive director or the director's designee.

E. A bargaining unit composed of a majority of supervisors may not merge under this subsection with any other bargaining unit.

F. A bargaining unit composed of teachers may not merge under this subsection with a bargaining unit of nonprofessional employees.

See title page for effective date.

CHAPTER 39

H.P. 103 - L.D. 145

An Act to Permit Professional Review Committees to Work with Impaired Physician Assistants

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

Sec. 1. 24 MRSA §2502, sub-§4-A, as enacted by PL 1985, c. 185, §1, is amended to read: