

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

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

Whereas, this Act provides options for earlier and more efficient resolution of disputes among public sector employers and employees; 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. 26 MRSA §965, sub-§2, ¶B, as amended by PL 1975, c. 564, §13, is further amended to read:

B. Mediation procedures ~~shall~~ must be followed whenever either party to a controversy requests such services prior to arbitration, or, in the case of disputes affecting public employers, public employees or their respective representatives as defined, whenever requested by either party prior to arbitration or at any time on motion of the Maine Labor Relations Board or its executive director. Requests for grievance mediation are handled in accordance with paragraph F.

Sec. 2. 26 MRSA §965, sub-§2, ¶F, as repealed and replaced by PL 1973, c. 617, §2, is repealed and the following enacted in its place:

F. The services of the Panel of Mediators must be provided for grievance mediation only when the parties jointly agree to request grievance mediation services. Notwithstanding this option, neither party is obligated under subsection 1 to bargain over the inclusion of grievance mediation procedures in a collective bargaining agreement. The services of the Panel of Mediators are always available as a technique for impasse resolution in contract negotiations and may be invoked as described in paragraph B.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
LABOR, DEPARTMENT OF		
Labor Relations Board		
Personal Services	\$3,500	\$3,500
All Other	1,500	1,500

Provides funds for the provision of services rendered by the Panel of Mediators on behalf of public employers and bargaining agents regarding grievance mediation.

DEPARTMENT OF LABOR		
TOTAL	\$5,000	\$5,000

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

Effective May 8, 2001.

CHAPTER 93

S.P. 323 - L.D. 1091

An Act Concerning the Lobster Management Fund

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

Sec. 1. 5 MRSA §12004-I, sub-§58, ¶A, as amended by PL 1997, c. 208, §1, is repealed.

Sec. 2. 12 MRSA §6431-C, sub-§2, as amended by PL 1999, c. 309, §1, is further amended to read:

2. Purpose. All money credited to the Lobster Management Fund must be used to cover the costs of trap tags and the administration and enforcement of a lobster trap tag system under section 6431-B, the costs associated with lobster management policy councils and referenda pursuant to section 6447, costs associated with the Lobster Advisory Council not supported by the General Fund and the costs associated with determining eligibility for lobster and crab fishing licenses and eligibility to fish for or take lobsters from a vessel.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
MARINE RESOURCES,		
DEPARTMENT OF		
Division of Administrative Services		
All Other	\$2,000	\$2,000
Allocates additional funds to the Lobster Management Fund to		

allow the fund to be used to cover certain costs of the Lobster Advisory Council.

See title page for effective date.

CHAPTER 94

H.P. 266 - L.D. 344

An Act to Extend the Repeal of the Lobster Trap Tag Freeze

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

Sec. 1. 12 MRSA §6431-F, sub-§5, as enacted by PL 1999, c. 397, §6, is amended to read:

5. Repeal. This section is repealed December 31, ~~2001~~ 2005.

See title page for effective date.

CHAPTER 95

H.P. 1094 - L.D. 1463

An Act to Revise the Maine Science and Technology Foundation's Charter and Revise the Charter of the Centers for Innovation

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

Sec. 1. 5 MRSA §13121, sub-§2, as enacted by PL 1987, c. 816, Pt. DD, §3, is repealed.

Sec. 2. 5 MRSA §13123-A, sub-§16-A is enacted to read:

16-A. Maine Technology Capacity Fund. Administer the Maine Technology Capacity Fund established in section 13131 to strengthen employment levels in the State by increasing science and technology investment, to support best practice studies and to develop or increase industry clusters of targeted technology sectors;

Sec. 3. 5 MRSA §13124, as amended by PL 1993, c. 410, Pt. E, §14, is repealed.

Sec. 4. 5 MRSA §13126, as amended by PL 1993, c. 410, Pt. E, §17, is further amended to read:

§13126. Powers and duties of president

The president shall implement the policies and procedures of the foundation and is responsible for the

administration of its programs. The president may enter into contracts with individuals or firms with the approval of the foundation for services necessary to fulfill the responsibilities of this chapter. The president ~~shall administer the centers for innovation program and~~ may develop, administer and evaluate other programs and initiatives as required by the foundation. The president shall appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter.

Sec. 5. 5 MRSA c. 387 is enacted to read:

CHAPTER 387

CENTERS FOR INNOVATION PROGRAM

§13141. Centers for Innovation Program

The Centers for Innovation Program, referred to in this chapter as the "program," is established. The program shall administer and establish centers throughout the State to carry out the purposes of this chapter.

1. Centers for innovation. A center for innovation, referred to in this chapter as "center," represents a specific industry sector identified as offering significant potential for economic growth, employment and business development for the State. A center shall consult with state development agencies to carry out the purposes of this chapter. The centers established include:

A. The Center for Innovation in Biotechnology, which promotes the development of the biotechnology sector; and

B. The Aquaculture Innovations Center, which promotes the development of the aquaculture sector.

2. Purposes. A center has the following purposes:

A. To bring together a cluster of related experience, business activity and technology in order to promote economic growth and target assistance from government development agencies and resources;

B. To advise the Commissioner of Economic and Community Development, the Maine International Trade Center, the Maine Technology Institute and other state agencies of the needs of a targeted industry;

C. To serve as a facilitator of state, local and federal efforts directed at developing an industry sector;