

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

graph does not apply to a facility owned by the State and in operation prior to June 1, 2007 or to an expansion of that facility; and

Sec. 3. 38 MRSA §1310-N, sub-§11 is enacted to read:

11. Waste generated within the State. Consistent with the Legislature's findings in section 1302, a solid waste disposal facility owned by the State may not be licensed to accept waste that is not waste generated within the State. For purposes of this subsection, "waste generated within the State" includes residue and bypass generated by incineration, processing and recycling facilities within the State or waste, whether generated within the State or outside of the State, if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility.

Sec. 4. 38 MRSA §1310-AA, sub-§4, as enacted by PL 1995, c. 465, Pt. A, §22 and affected by Pt. C, §2, is amended to read:

4. Application. This section does not apply to facilities described in section 1310-N, subsection 3-A, paragraph A or to facilities a facility owned by the State and in operation prior to June 1, 2007 or to an expansion of that facility.

Sec. 5. 38 MRSA §1310-AA, sub-§5 is enacted to read:

5. Modifications. Public benefit determinations may be revised by the department if the department finds that a material change in the underlying facts or circumstances upon which a public benefit determination was based has occurred or is proposed, including, but not limited to, a change related to disposal capacity. The department may require the holder of a public benefit determination to submit an application for modification of that determination if the department finds that a change in the underlying facts or circumstances has occurred or is proposed.

Sec. 6. Report. By January 15, 2008, the Department of Environmental Protection shall submit to the Joint Standing Committee on Natural Resources a report on funding options for the State's solid waste management program based on the report dated March 2007 and titled "Report on Solid Waste Management Program Funding" that was submitted to the Joint Standing Committee on Natural Resources by the Department of Environmental Protection. The report must also include recommendations concerning potential sources of revenue from fees on the handling of construction and demolition debris, the production of construction and demolition debris wood fuel and the use of that wood fuel in the State sufficient to fund

monitoring and compliance activities at facilities producing, disposing of, beneficially using or otherwise handling construction and demolition debris.

See title page for effective date.

CHAPTER 415 S.P. 714 - L.D. 1915

An Act To Protect Fair Share Workers from Termination

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

Sec. 1. 26 MRSA §629, as amended by PL 1983, c. 652, §5, is repealed and the following enacted in its place:

§629. Unfair agreements

1. Work without compensation; return of compensation. A person, firm or corporation may not require or permit any person as a condition of securing or retaining employment to work without monetary compensation or when having an agreement, oral, written or implied, that a part of such compensation should be returned to the person, firm or corporation for any reason other than for the payment of a loan, debt or advance made to the person, or for the payment of any merchandise purchased from the employer or for sick or accident benefits, or life or group insurance premiums, excluding compensation insurance, that an employee has agreed to pay, or for rent, light or water expense of a company-owned house or building. This section does not apply to work performed in agriculture or in or about a private home.

2. Debt. For purposes of this subchapter, "debt" means a benefit to the employee. "Debt" does not include items incurred by the employee in the course of the employee's work or dealing with customers on the employer's behalf, such as cash shortages, inventory shortages, dishonored checks, dishonored credit cards, damages to the employer's property in any form or any merchandise purchased by a customer.

3. Penalty. An employer is liable to an employee for the amount returned to the employer by that employee as prohibited in this section.

4. Deduction of service fees. Public employers may deduct service fees owed by an employee to a collective bargaining agent from the employee's pay, without signed authorization from the employee, and remit those fees to the bargaining agent, as long as:

A. The fee obligation arises from a lawfully executed and implemented collective bargaining agreement; and

B. In the event a fee payor owes any arrears on the payor's fee obligations, the deduction authorized under this subsection may include an installment on a payment plan to reimburse all arrears, but may not exceed in each pay period 10% of the gross pay owed.

Sec. 2. 26 MRSA §963, as enacted by PL 1969, c. 424, §1, is repealed and the following enacted in its place:

§963. Right of public employees to join or refrain from joining labor organizations

A person may not directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against a public employee or a group of public employees in the free exercise of their rights, given by this section, to voluntarily:

1. Join a union. Join, form and participate in the activities of organizations of their own choosing for the purposes of representation and collective bargaining or in the free exercise of any other right under this chapter; or

2. Not join a union. Refrain from joining or participating in the activities of organizations for the purposes of representation and collective bargaining, except that an employee may be required to pay to the organization that is the bargaining agent for the employee a service fee that represents the employee's pro rata share of those expenditures that are germane to the organization's representational activities.

Sec. 3. 26 MRSA §964, sub-§1, ¶F, as enacted by PL 1969, c. 424, §1, is amended to read:

F. Blacklisting of any employee organization or its members for the purpose of denying them employment;

Sec. 4. 26 MRSA §964, sub-§1, ¶G is enacted to read:

G. Requiring an employee to join a union, employee association or bargaining agent as a member; and

Sec. 5. 26 MRSA §964, sub-§1, ¶H is enacted to read:

H. Terminating or disciplining an employee for not paying union dues or fees of any type.

Sec. 6. 26 MRSA §979-B, as amended by PL 1997, c. 741, §4 and affected by §12, is repealed and the following enacted in its place:

§979-B. Right of state employees or legislative employees to join or refrain from joining labor organizations; prohibition

A person may not directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against a state or legislative employee or a group of

employees in the free exercise of their rights, given by this section, to voluntarily:

1. Join a union. Join, form and participate in the activities of organizations of their own choosing for the purposes of representation and collective bargaining or in the free exercise of any other right under this chapter; or

2. Not join a union. Refrain from joining or participating in the activities of organizations for the purposes of representation and collective bargaining, except that an employee may be required to pay to the organization that is the bargaining agent for the employee a service fee that represents the employee's pro rata share of those expenditures that are germane to the organization's representational activities.

Sec. 7. 26 MRSA §979-C, sub-§1, ¶F, as enacted by PL 1973, c. 774, is amended to read:

F. Blacklisting of any employee organization or its members for the purpose of denying them employment;

Sec. 8. 26 MRSA §979-C, sub-§1, ¶G is enacted to read:

G. Requiring an employee to join a union, employee association or bargaining agent as a member; and

Sec. 9. 26 MRSA §979-C, sub-§1, ¶H is enacted to read:

H. Terminating or disciplining an employee for not paying union dues or fees of any type.

Sec. 10. 26 MRSA §1023, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed and the following enacted in its place:

§1023. Right of university, academy or community college employees to join or refrain from joining labor organizations; prohibition

A person may not directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against a university, academy or community college employee or a group of university, academy or community college employees in the free exercise of their rights, given by this section, to voluntarily:

1. Join a union. Join, form and participate in the activities of organizations of their own choosing for the purposes of representation and collective bargaining or in the free exercise of any other right under this chapter; or

2. Not join a union. Refrain from joining or participating in the activities of organizations for the purposes of representation and collective bargaining, except that an employee may be required to pay to the organization that is the bargaining agent for the employee a service fee that represents the employee's pro

rata share of those expenditures that are germane to the organization's representational activities.

Sec. 11. 26 MRSA §1027, sub-§1, ¶E, as repealed and replaced by PL 1985, c. 737, Pt. A, §67, is amended to read:

E. Refusing to bargain collectively with the bargaining agent of its employees as required by section 1026; ~~or~~

Sec. 12. 26 MRSA §1027, sub-§1, ¶F, as enacted by PL 1975, c. 603, §1, is amended to read:

F. Blacklisting of any employee organization or its members for the purpose of denying them employment;

Sec. 13. 26 MRSA §1027, sub-§1, ¶G is enacted to read:

G. Requiring an employee to join a union, employee association or bargaining agent as a member; and

Sec. 14. 26 MRSA §1027, sub-§1, ¶H is enacted to read:

H. Terminating or disciplining an employee for not paying union dues or fees of any type.

Sec. 15. 26 MRSA §1283, as enacted by PL 1983, c. 702, is repealed and the following enacted in its place:

§1283. Right of judicial employees to join or refrain from joining labor organizations; prohibition

A person may not directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against a judicial employee or a group of judicial employees in the free exercise of their rights, given by this section, to voluntarily:

1. Join a union. Join, form and participate in the activities of organizations of their own choosing for the purposes of representation and collective bargaining or in the free exercise of any other right under this chapter; or

2. Not join a union. Refrain from joining or participating in the activities of organizations for the purposes of representation and collective bargaining, except that an employee may be required to pay to the organization that is the bargaining agent for the employee a service fee that represents the employee's pro rata share of those expenditures that are germane to the organization's representational activities.

Sec. 16. 26 MRSA §1284, sub-§1, ¶E, as enacted by PL 1983, c. 702, is amended to read:

E. Refusing to bargain collectively with the bargaining agent of its employees, as required by section 1285; ~~or~~

Sec. 17. 26 MRSA §1284, sub-§1, ¶F, as enacted by PL 1983, c. 702, is amended to read:

F. Blacklisting any employee organization or its members for the purpose of denying them employment;

Sec. 18. 26 MRSA §1284, sub-§1, ¶G is enacted to read:

G. Requiring an employee to join a union, employee association or bargaining agent as a full member; and

Sec. 19. 26 MRSA §1284, sub-§1, ¶H is enacted to read:

H. Terminating or disciplining an employee for not paying union dues or fees of any type.

Sec. 20. Study of dispute resolution regarding representational fees; report. The Maine Labor Relations Board shall study the existing procedures for the resolution of disputes over a union's calculation of its representational fee and report to the Joint Standing Committee on Labor by January 15, 2008 with recommendations and necessary implementing legislation to provide for the resolution of such disputes in a fair and impartial manner by the Maine Labor Relations Board or the State Board of Arbitration and Conciliation. The committee may submit a bill to the Second Regular Session of the 123rd Legislature regarding resolution of disputes of representational fees imposed by a union as the collective bargaining agent.

See title page for effective date.

CHAPTER 416

S.P. 55 - L.D. 144

An Act To Support Maine's Free Clinics

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

Sec. 1. 36 MRSA §1760, sub-§16, ¶G-1 is enacted to read:

G-1. Incorporated nonprofit medical clinics whose sole mission is to provide free medical care to the indigent or uninsured;

Sec. 2. Effective date. This Act takes effect October 1, 2007.

Effective October 1, 2007.
