

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

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**Augusta, Maine**  
**2019**

to no later than July 1, 2019 report to the Department of Environmental Protection the number of beverage containers picked up from each redemption center on each pick-up date in calendar year 2018. The initiators of deposit that have entered into a commingling agreement may elect to aggregate the data required under this section for the entire commingling group for the purpose of reporting to the department. Upon receipt of the data under this section, the department shall assess the efficiency and convenience of the beverage container redemption system and develop recommendations to improve efficiencies in the handling and transportation of beverage containers and to ensure convenient collection of beverage containers for consumers. On or before January 15, 2020, the commissioner shall submit a report to the Joint Standing Committee on Environment and Natural Resources detailing the department's findings and recommendations, including any proposed legislation. After reviewing the report, the committee may report out legislation to the Second Regular Session of the 129th Legislature to implement recommendations contained in the report.

**Sec. 4. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Alcoholic Beverages - General Operation 0015**

Initiative: Provides allocation for the State's cost as an initiator of deposit for spirits for removal of the 1/2¢ commingling agreement discount in the reimbursement rate paid to a dealer or local redemption center beginning May 1, 2019.

STATE ALCOHOLIC BEVERAGE FUND	2018-19	2019-20	2020-21
All Other	\$17,562	\$114,264	\$124,282
STATE ALCOHOLIC BEVERAGE FUND TOTAL	\$17,562	\$114,264	\$124,282

**Alcoholic Beverages - General Operation 0015**

Initiative: Provides allocation for the State's cost as an initiator of deposit for spirits for an increase in the reimbursement rate paid to a dealer or local redemption center by 1/2¢ per returned beverage container beginning January 1, 2020.

STATE ALCOHOLIC BEVERAGE FUND	2018-19	2019-20	2020-21
All Other	\$0	\$57,132	\$124,282

STATE ALCOHOLIC BEVERAGE FUND TOTAL	\$0	\$57,132	\$124,282
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>			
<b>DEPARTMENT TOTALS</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
STATE ALCOHOLIC BEVERAGE FUND	\$17,562	\$171,396	\$248,564
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$17,562</b>	<b>\$171,396</b>	<b>\$248,564</b>

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

Effective May 21, 2019.

**CHAPTER 134**

**S.P. 150 - L.D. 485**

**An Act Regarding Actions of the Owner or Keeper of a Dog That Assaults a Person and Causes an Injury That Requires Medical Attention**

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

**Sec. 1. 7 MRSA §3955** is enacted to read:

**§3955. Leaving the scene of an assault by a dog that causes an injury that requires medical attention for a person**

**1. Required actions by owner or keeper. The owner or keeper of a dog that assaults a person and causes an injury that requires medical attention shall comply with the requirements of this section before leaving the scene of the assault:**

**A. The owner or keeper shall secure aid for the injured person, including, as appropriate, securing medical assistance and reporting the assault to the local law enforcement agency;**

**B. After securing aid for the injured person, the owner or keeper may leave the scene on a temporary basis in order to contain the dog that assaulted the person; and**

C. After securing aid for the injured person and containing the dog that assaulted the person, the owner or keeper shall provide the owner's or keeper's name, current address and contact information to the injured person, a person acting for the injured person or a law enforcement officer.

2. Violation. A violation of this section is a Class D crime.

See title page for effective date.

## CHAPTER 135

### H.P. 562 - L.D. 757

#### An Act To Improve Labor Laws for Maine Workers

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

**Sec. 1.** 26 MRSA §967, as amended by PL 1991, c. 622, Pt. O, §7, is further amended to read:

#### §967. Determination of bargaining agent

**1. Voluntary recognition.** Any public employee organization may file a request with a public employer alleging that a majority of the public employees in an appropriate bargaining unit wish to be represented for the purpose of collective bargaining between the public employer and the employees' organization. Such request ~~shall must~~ describe the grouping of jobs or positions ~~which that~~ constitute the unit claimed to be appropriate and ~~shall must~~ include a demonstration of majority support. Such request for recognition ~~shall~~ may be granted by the public employer, ~~unless the public employer desires that an election determine whether the organization represents a majority of the members in the bargaining unit.~~

**1-A. Majority sign-up.** If a request by a public employee organization for recognition pursuant to subsection 1 is not granted by the public employer, the executive director of the board or a designee shall examine the demonstration of support. If the executive director of the board or a designee finds that a majority of the employees in a unit appropriate for bargaining have signed valid authorizations designating the employees' organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the board may not direct an election but shall certify the employees' organization as the representative. However, if the majority status of the employees in the appropriate unit is in question, the executive director of the board or a designee shall call an election to determine whether the organization represents a majority of the members in the bargaining unit.

**2. Elections.** The executive director of the board, or a designee, ~~upon signed request of a public employer alleging that one or more public employees or public employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of public employees pursuant to subsection 1-A,~~ or upon signed petition of at least 30% of a bargaining unit of public employees that they desire to be represented by an organization, shall conduct a secret ballot election to determine whether the organization represents a majority of the members in the bargaining unit. Such an election may be conducted at suitable work locations or through the United States mail, and the procedures adopted and employed must ensure that neither the employee organizations or the management representatives involved in the election have access to information that would identify a voter.

The ballot ~~shall must~~ contain the name of such organization and that of any other organization showing written proof of at least 10% representation of the public employees within the unit, together with a choice for any public employee to designate that ~~he the public employee~~ does not desire to be represented by any bargaining agent. ~~Where~~ When more than one organization is on the ballot and no one of the 3 or more choices receives a majority vote of the public employees voting, a run-off election ~~shall must~~ be held. The run-off ballot ~~shall must~~ contain the 2 choices ~~which that~~ received the largest and ~~second largest~~ 2nd-largest number of votes. When an organization receives the majority of votes of those voting, the executive director of the board shall certify it as the bargaining agent. The bargaining agent certified as representing a bargaining unit ~~shall must~~ be recognized by the public employer as the sole and exclusive bargaining agent for all of the employees in the bargaining unit unless and until a decertification election by secret ballot ~~shall be is~~ held and the bargaining agent declared by the executive director of the board as not representing a majority of the unit.

Whenever 30% of the employees in a certified bargaining unit petition for a bargaining agent to be decertified, the procedures for conducting an election on the question ~~shall be are~~ the same as for representation as bargaining agent ~~hereinbefore set forth as established in this section.~~

~~No~~ A question concerning representation may not be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, ~~no~~ a question concerning unit or representation may not be raised except during the period not more than 90 nor less than 60 days prior to the expiration date of the agreement. The not more than 90-day nor less than 60-day period prior to the expiration date of an agreement regarding unit determination and representation ~~shall does~~ not apply to matters of unit clarification.