

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.

Augusta, Maine
2019

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.

The bargaining agent certified by the executive director of the board as the exclusive bargaining agent shall ~~be required to~~ represent all the public employees within the unit without regard to membership in the organization certified as bargaining agent, ~~provided~~ except that any public employee at any time may present ~~his~~ that public employee's grievance to the public employer and have such grievance adjusted without the intervention of the bargaining agent, if the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect and if the bargaining agent's representative has been given reasonable opportunity to be present at any meeting of the parties called for the resolution of such grievance.

See title page for effective date.

CHAPTER 136
S.P. 69 - L.D. 257

**An Act To Help Ensure That
the Legislature Has the
Information Necessary To Do
the Work of the People of
Maine**

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

Sec. 1. 5 MRSA §21201, as enacted by PL 1993, c. 675, Pt. C, §12, is amended to read:

§21201. Findings

The Legislature finds that difficulties in interactions among the ~~Executive Department~~ executive branch, the Legislature and the ~~Judicial Department~~ judicial branch often arise from the lack of understanding of the functions, structures, needs and perspectives of the 3 separate but coequal branches of government. Increased communication and coordination in daily activities as well as in long-range planning are possible to improve the effectiveness and efficiency of all 3 branches without the imposition of the views or directions of one or 2 branches upon another. The Legislature finds that active participation by the executive branch in the lawmaking process is essential to producing informed and effective legislation. The Legislature finds that the Constitution of Maine, Articles IV and V provide for shared participation in the lawmaking process and that shared responsibility has long been recognized and respected. The Legislature finds that a blanket policy by the executive branch that severely limits executive branch engagement and participation in the legislative process is contrary to these fundamental understandings and intentions underlying the Constitution of Maine and that the Governor should provide reasonably accessible information and expertise when the Legislature reasonably so requests.

See title page for effective date.

CHAPTER 137

H.P. 254 - L.D. 329

**An Act To Exempt from
Criminal Liability Persons
Reporting a Drug-related
Medical Emergency**

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

Sec. 1. 17-A MRSA §1111-B is enacted to read:

§1111-B. Exemption from criminal liability for reporting a drug-related medical emergency

A person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance may not be arrested or prosecuted for a violation of section 1107-A, 1108, 1111 or 1111-A or a violation of probation as authorized by chapter 49 if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

See title page for effective date.

CHAPTER 138

H.P. 429 - L.D. 585

**An Act To Allow the Adoption
of Ordinances Prohibiting the
Accumulation of Trash on
Private Property in Plantations**

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

Sec. 1. 30-A MRSA §7051, sub-§11, as amended by PL 2017, c. 3, §1, is further amended to read:

11. Ordinances. Chapter 141, but only with respect to animal control ordinances, subject to Title 7, section 3950, ~~and~~ the sale and use of consumer fireworks within the plantation, subject to Title 8, section 223-A, ~~and~~ the accumulation of garbage, refuse, rubbish or trash or unwanted or discarded material of any kind or source on private property.

See title page for effective date.