

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

1. Program established. The Rural Workforce Recruitment and Retention Grant Program, referred to in this section as "the program," is established within the department to provide grants for local economic development initiatives in rural regions of the State that will assist rural businesses in those regions in locating, recruiting and retaining qualified staff to meet workforce needs. For the purpose of this section, "rural regions of the State" means Aroostook County, Piscataquis County, Somerset County and Washington County.

2. Fund established. The Rural Workforce Recruitment and Retention Grant Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the department for the purpose of providing funds for the program. The fund consists of money appropriated to the fund by the Legislature and any funds received by the department for the purposes of the program.

3. Rulemaking. The department shall establish by rule the criteria for eligibility for grants from the program and the process of application. The rules must require that an entity receiving a grant for an initiative secure matching funds for the initiative on a one-to-one basis. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

4. Reporting. The department shall report by January 15th of each year to the joint standing committee of the Legislature having jurisdiction over economic development matters on the program, including the number of grants given and the results achieved.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Rural Workforce Recruitment and Retention Grant Fund N363

Initiative: Provides base allocations to authorize the expenditure of any funds received from outside sources to provide grants for local economic development initiatives in rural regions of the State.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

Rural Workforce Recruitment and Retention Grant Fund N363

Initiative: Provides one-time funds of \$200,000 in fiscal year 2021-22 and fiscal year 2022-23 only for eligible local economic development initiatives to advertise and promote jobs in rural regions of the State and to locate and retain qualified staff. Funding appropriated to this

program does not lapse but must be carried forward into the next fiscal year to be used only for the purpose for which it was provided.

GENERAL FUND	2021-22	2022-23
All Other	\$200,000	\$200,000
GENERAL FUND TOTAL	\$200,000	\$200,000

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF DEPARTMENT TOTALS

	2021-22	2022-23
GENERAL FUND	\$200,000	\$200,000
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
DEPARTMENT TOTAL - ALL FUNDS	\$200,500	\$200,500

See title page for effective date.

CHAPTER 421

H.P. 357 - L.D. 494

An Act To Change the Compensation Structure of the Maine Labor Relations Board and the State Board of Arbitration and Conciliation

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

Sec. 1. 26 MRSA §931, first ¶, as amended by PL 2007, c. 175, §1, is further amended to read:

The State Board of Arbitration and Conciliation, in this subchapter called the "board," consists of 3 members appointed by the Governor from time to time upon the expiration of the terms of the several members; for terms of 3 years. One member must be an employer of labor or selected from ~~some an~~ association representing employers of labor, and another must be an employee or selected from ~~some a~~ bona fide trade or labor union. The 3rd member must represent the public interests of the State and serves as chair. Vacancies occurring during a term must be filled for the unexpired term. ~~Members~~ When meeting to deliberate or vote with respect to a matter before the board, members of the board are entitled to receive \$150 a day per meeting for their services for the time actually employed in the discharge of their official duties. For all other purposes, members of the board are entitled to receive \$300 a day for their services for the time actually employed in the discharge of their official duties. They are entitled to receive their traveling and all other necessary expenses. The costs for services rendered and expenses incurred by the State Board of Arbitration and Conciliation and any state allocation program charges must be shared equally by the

parties to the proceedings and must be paid into a special fund administered by the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by the State Board of Arbitration and Conciliation is the responsibility of the Executive Director of the Maine Labor Relations Board. All costs must be paid from that special fund. The executive director may estimate costs upon receipt of a request for services and collect those costs prior to providing the services. The executive director shall bill or reimburse the parties, as appropriate, for any difference between the estimated costs that were collected and the actual costs of providing the services. Once one party has paid its share of the estimated cost of providing the service, the matter is scheduled for hearing. A party who has not paid an invoice for the estimated or actual cost of providing services within 60 days of the date the invoice was issued is, in the absence of good cause shown, liable for the amount of the invoice together with a penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected pursuant to this ~~provision section~~ remains in the special fund administered by the Maine Labor Relations Board and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this ~~provision section~~ through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action. The executive director shall, annually, on or before July 1st, make a report of the activities of the State Board of Arbitration and Conciliation to the Governor. The board shall from time to time adopt rules of procedure as it determines necessary, ~~including rules of procedure for proceedings under chapter 18~~. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 26 MRSA §968, sub-§1, as amended by PL 2019, c. 184, §1, is further amended to read:

1. Maine Labor Relations Board. The Maine Labor Relations Board, established by Title 5, section 12004-B, subsection 2, consists of 3 members and 6 alternates appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Legislature. The Governor, in making appointments, shall name one member and 2 alternates to represent employees, one member and 2 alternates to represent employers and one member and 2 alternates to represent the public. The member and alternates representing employees may not have worked in a management capacity or represented employer interests in any proceedings at any time during the prior 6 years. The member and alternates representing the public may not have worked in a management capacity or represented employer interests in any proceedings or have worked for a labor organization or served in a leadership role in a labor organization at any time during the prior 6 years.

The member representing the public serves as the board's chair and the alternate representing the public serves as an alternate chair. Members of the board are entitled to compensation according to the provisions of Title 5, chapter 379. The alternates are entitled to compensation at the same per diem rate as the member that the alternate replaces. The term of each member and each alternate is 4 years, except that of the members and alternates first appointed, one member and 2 alternates are appointed for a term of 4 years, one member and 2 alternates are appointed for a term of 3 years and one member and 2 alternates are appointed for a term of 2 years. The members of the board, its alternates and its employees are entitled to receive necessary expenses. Per diem and necessary expenses for members and alternates of the board may be paid from the board's General Fund appropriation if, in the discretion of the executive director, doing so would not create a financial hardship for the board; otherwise, per diem and necessary expenses for members and alternates of the board, as well as state cost allocation program charges, must be shared equally by the parties to any proceeding at which the board presides and must be paid into a special fund administered by the board from which all costs must be paid. The executive director may estimate costs upon receipt of a request for services and collect those costs prior to providing the services. The executive director shall bill or reimburse the parties, as appropriate, for any difference between the estimated costs that were collected and the actual costs of providing the services. Once one party has paid its share of the estimated cost of providing the service, the matter is scheduled for hearing. A party who has not paid an invoice for the estimated or actual cost of providing services within 60 days of the date the invoice was issued is, in the absence of good cause shown, liable for the amount of the invoice together with a penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected pursuant to this ~~provision subsection~~ remains in the special fund administered by the Maine Labor Relations Board, and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this ~~provision subsection~~ through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action. At its discretion, the board may allocate all costs to a party that presents a frivolous complaint or defense or that commits a blatant violation of the applicable collective bargaining law. When the board meets on administrative or other matters that do not concern the interests of particular parties or when any board member presides at a prehearing conference, the members' per diem and necessary expenses must be paid from the board's regular appropriation for these purposes. The executive director and legal or professional personnel

employed by the board are members of the unclassified service.

See title page for effective date.

**CHAPTER 422
H.P. 377 - L.D. 514**

An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares

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

Sec. 1. 25 MRSA c. 318-A is enacted to read:

**CHAPTER 318-A
EXPIRED MARINE FLARES**

§2491. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Commissioner. "Commissioner" means the Commissioner of Public Safety or the commissioner's designee.

2. Expired. "Expired" means, with regard to a marine flare, beyond the manufacturer-designated period of recommended use.

3. Fire inspector. "Fire inspector" means a person designated by the commissioner to collect expired marine flares.

4. Marine flare. "Marine flare" means a device designed to produce a bright flame for use as a signal or marker on the inland or coastal waters of the State or at sea.

§2492. Collection program

The commissioner shall establish and oversee a program for the convenient and safe collection of expired marine flares pursuant to this section.

1. Site collection. The commissioner shall coordinate the following site collection operations.

A. The commissioner shall, in coordination with a statewide association of fire chiefs, identify fire departments in the State that have the capacity and willingness to accept expired marine flares from members of the public. A participating fire department may choose to designate the geographic area from which the fire department will accept expired marine flares. A participating fire department and the commissioner shall coordinate for timely pickup of the collected expired marine flares.

B. The commissioner shall coordinate with sponsors of annual community events that choose to include expired marine flare collection as part of their events.

C. The commissioner shall coordinate with marinas, municipalities and groups that organize events at which the public is invited to drop off expired marine flares for timely collection.

2. Short-term storage. The commissioner shall provide guidance for short-term storage to persons collecting expired marine flares under subsection 1 if the commissioner determines that safety equipment or special procedures are required.

3. Direct collection. The commissioner shall designate fire inspectors to collect expired marine flares in a timely way from individuals who fish commercially and recreational boaters in the State who contact the Department of Public Safety to notify the department of expired marine flares in need of disposal.

§2493. Disposal program

The commissioner shall establish a program for the safe, nonpolluting disposal of all types of expired marine flares pursuant to this section.

1. Short-term storage. Expired marine flares collected pursuant to section 2492 that require short-term storage must be stored according to standards established by the Department of Public Safety.

2. Sorting. Expired marine flares collected pursuant to section 2492 must be sorted by type for proper incineration.

3. Incineration. Expired marine flares sorted pursuant to subsection 2 must be incinerated at temperatures that are compliant with Department of Environmental Protection standards for preventing air pollution.

4. Recycling. To the extent practicable, material from incinerated expired marine flares must be recycled.

§2494. Education program

The commissioner shall establish an education program for the public and state agencies regarding expired marine flares pursuant to this section.

1. Education campaign. The Department of Public Safety shall engage in an education campaign to inform the public and personnel of the Department of Public Safety, the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection and the Department of Marine Resources and other potentially interested entities about the expired marine flare collection and disposal programs under this chapter, the dangers expired marine flares pose to public