

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

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SECOND REGULAR SESSION
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AUGUST 9, 2024

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

Augusta, Maine
2024

any one credit union shall do not exceed 10% of the share capital and surplus of the lending credit union.

See title page for effective date.

**CHAPTER 540
S.P. 854 - L.D. 2026**

**An Act to Authorize Medical
Waivers for Menhaden Fishing
Licenses**

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

Sec. 1. 12 MRSA §6310, sub-§1, as amended by PL 2011, c. 266, Pt. A, §3, is further amended to read:

1. Appeal of license denial. A person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person does not meet the eligibility requirements of section 6421, subsection 5, paragraph A; a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person does not meet the eligibility requirements of section 6749-O, subsection 2-A; or a person who is denied a hand fishing scallop license or a scallop dragging license because that person does not meet the eligibility requirements of section 6706, subsection 2; or a person who is denied a resident commercial menhaden fishing license or a nonresident commercial menhaden fishing license because that person does not meet the eligibility requirements of section 6502-C, subsection 1-B may appeal to the commissioner under this section for a review of that license denial.

Sec. 2. 12 MRSA §6310, sub-§2, ¶D is enacted to read:

D. A resident commercial menhaden fishing license or a nonresident commercial menhaden fishing license may be issued to a person on appeal only if a substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for that license and the person documents that the person fished for menhaden while in possession of the same license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this paragraph within one year of the onset of the illness or medical condition.

See title page for effective date.

**CHAPTER 541
S.P. 860 - L.D. 2032**

**An Act to Improve Maine's
Labor Laws by Changing the
Laws Governing Elections of
Collective Bargaining Agents
for Certain Public Employees**

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

Sec. 1. 26 MRSA §979-F, as amended by PL 1981, c. 277, is further amended to read:

§979-F. Determination of bargaining agent

1. Voluntary recognition. Any state employee organization may file a request with the public employer alleging that a majority of the state 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~~ The 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~~ The 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 state employee organization for recognition pursuant to subsection 1 is not granted by the public employer, the executive director or the executive director's designee shall examine the demonstration of support. If the executive director or the executive director's 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 or the executive director's designee shall call an election to determine whether the organization represents a majority of the members in the bargaining unit.

2. Elections.

A. The executive director of the board, or his the executive director's designee upon signed request of a public employer alleging that one or more state employees or state employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of state employees, pursuant to subsection 1-A, or upon signed petition

of at least 30% of a bargaining unit of state 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 of the bargaining unit. ~~Such an~~ The election may be conducted at suitable work locations or through the United States mail provided, nevertheless, that and the procedures adopted and employed by the Maine Labor Relations Board shall maintain the anonymity of the voter from both board must ensure that neither the employee organizations ~~and nor~~ the management representatives involved in the election have access to information that would identify a voter.

B. The ballot ~~shall~~ must contain the name of ~~such~~ the organization under paragraph A and that of any other organization showing written proof of at least 10% representation of the state employees within the unit, together with a choice for any state employee to designate that ~~he~~ the state 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 state 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 2nd largest number of votes. When an organization receives the majority of votes of those voting, the executive director ~~of the board or the executive director's designee~~ shall certify ~~it~~ the organization 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.

C. 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~~ of decertification are the same as for representation as a bargaining agent hereinbefore set forth as established in this subsection.

D. ~~No~~ A question concerning representation may ~~not~~ be raised within one year of a certification or attempted certification. ~~Where~~ When 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 days nor less than 60 days prior to the expiration date of the agreement. Unit clarification proceedings are not subject to this time limitation and may be brought at any time consistent with section 979-E, subsection 3.

E. The bargaining agent certified by the executive director ~~of the board or his~~ the executive director's designee as the exclusive bargaining agent shall ~~be required to~~ represent all the public state employees within the unit without regard to membership in the organization certified as the bargaining agent, ~~provided~~ except that any public state employee at any time may present ~~his~~ that state employee's grievance to the public employer and have ~~such that~~ 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 the~~ the grievance.

Sec. 2. 26 MRSA §1025, as corrected by RR 2021, c. 2, Pt. A, §91, is amended to read:

§1025. Determination of bargaining agent

1. Voluntary recognition. ~~A~~ A university, academy or community college employee organization may file a request with the university, academy or community colleges alleging that a majority of the university, academy or community college employees in an appropriate bargaining unit as established in section 1024-A wish to be represented for the purpose of collective bargaining between the university, academy or community colleges and the employees' organization. ~~Such~~ The request must describe the grouping of jobs or positions that constitute the unit claimed to be appropriate and must include a demonstration of majority support. ~~Such~~ The request for recognition ~~must~~ may be granted by the university, academy or community colleges ~~unless the university, academy or community colleges desire that an election determine whether the organization represents a majority of the members in the bargaining unit.~~ In the event that the request for recognition is granted by the university, academy or community colleges, the executive director shall certify the organization so recognized as the bargaining agent.

1-A. Majority sign-up. If a request by a university, academy or community college employee organization for recognition pursuant to subsection 1 is not granted by the university, academy or community college, the executive director or the executive director's designee shall examine the demonstration of support. If the executive director or the executive director's 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 or the executive director's designee shall call an election to determine whether the organization represents a majority of the members in the bargaining unit.

2. Elections.

A. ~~The executive director of the board, upon signed request of the university, academy or community college alleging that one or more university, academy or community college employees or employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of university, academy or community college employees or the executive director's designee, pursuant to subsection 1-A, or upon signed petition of at least 30% of a bargaining unit of university, academy or community college 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 of the bargaining unit. Such an~~ The 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~~ nor the management representatives involved in the election have access to information that would identify a voter.

B. The ballot ~~shall~~ **must** contain the name of ~~such~~ the organization under paragraph A and that of any other organization showing written proof of at least 10% representation of the university, academy or community college employees within the unit, together with a choice for any university, academy or community college employee to designate that the 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 university, academy or community college 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 2nd largest number of votes. When an organization receives the majority of votes of those voting, the executive director ~~or the executive director's designee~~ shall certify ~~it~~ the organization as the bargaining agent. The bargaining agent certified as representing a bargaining unit ~~shall~~ **must** be recognized by the university, academy or community colleges 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 as not representing a majority of the unit.

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

D. ~~No~~ A question concerning representation may ~~not~~ be raised within one year of a certification or attempted certification. ~~Where~~ When 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 days nor less than 60 days prior to the expiration date of the agreement.

E. The bargaining agent certified by the executive director ~~or a the executive director's designee~~ as the exclusive bargaining agent for a unit ~~is required to~~ shall represent all the university, academy or community college employees within the unit without regard to membership in the organization certified as the bargaining agent, except that any university, academy or community college employee may present at any time that employee's grievance to the ~~employer~~ university, academy or community college and have that grievance adjusted without the intervention of the bargaining agent; if the adjustment is not inconsistent with the terms of any 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 that grievance.

Sec. 3. 26 MRSA §1287, as enacted by PL 1983, c. 702, is amended to read:

§1287. Determination of bargaining agent

1. Voluntary recognition. Any judicial employee organization may file a request with the public employer alleging that a majority of the judicial employees in an appropriate bargaining unit wish to be represented for the purpose of collective bargaining between the public employer and the employees' organization. The 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. The 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 judicial employee organization for recognition pursuant to subsection 1 is not granted by the public employer, the executive director or the executive director's designee shall examine the demonstration of support. If the executive director or the executive director's 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 or the executive director's 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 his the executive director's designee, upon signed request of a public employer alleging that one or more judicial employees or judicial employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of judicial employees pursuant to subsection 1-A, or upon signed petition of at least 30% of a bargaining unit of judicial 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 of the bargaining unit. Such an~~ The election may be conducted at suitable work locations or through the United States mail, provided that and the procedures adopted and employed by the board shall maintain the anonymity of the voter from both must ensure that neither the employee organizations and nor the management representatives involved in the election have access to information that would identify a voter.

3. Voting.

A. The ballot ~~shall~~ must contain the name of the organization and that of any other organization showing written proof of at least 10% representation of the judicial employees within the unit, together with a choice for any judicial employee to designate that ~~he the judicial employee~~ does not desire to be represented by any bargaining agent. When more than one organization is on the ballot and no one of the 3 or more choices receives a majority vote of the judicial employees voting, a ~~run-off~~ run-off election ~~shall~~ must be held. The ~~runoff~~ run-off ballot ~~shall~~ must contain the 2 choices ~~which that~~ received the largest and 2nd largest number of votes. When an organization receives the majority of votes of those voting, the executive director ~~of the board or the executive director's designee shall certify # the organization 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.

B. 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~~ of decertification are the same as for representation as a bargaining agent as ~~set forth~~ established in this ~~chapter~~ section.

C. ~~No A~~ question concerning representation may ~~not~~ be raised within one year of a certification or attempted certification. ~~Where~~ When 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 days nor less than 60 days prior to the expiration date of the agreement. Unit clarification proceedings are not subject to this time limitation and may be brought at any time consistent with section 1286, subsection 4.

D. The bargaining agent certified by the executive director ~~of the board~~ or ~~his~~ the executive director's designee as the exclusive bargaining agent shall ~~be required to~~ represent all the judicial employees within the unit without regard to membership in the organization certified as the bargaining agent, ~~provided except~~ that any judicial employee at any time may present ~~his that~~ judicial employee's grievance to the public employer and have that 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 that grievance.

See title page for effective date.

**CHAPTER 542
H.P. 1311 - L.D. 2049**

**An Act to Increase Safety for
Child Welfare Services
Workers**

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

Sec. 1. 29-A MRSA §517, sub-§8 is enacted to read:

8. Unmarked vehicles for child welfare purposes. Notwithstanding Title 5, section 7, an unmarked motor vehicle used regularly for work protecting the welfare of children under Title 22, chapter 1071, when authorized by the Secretary of State and upon approval