

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2413

H.P. 1751

House of Representatives, March 8, 1990

Reported by Representative ROLDE for the Joint Standing Committee on Audit and Program Review pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Reference to the Joint Standing Committee on Audit and Program Review suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

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STATE OF MAINE

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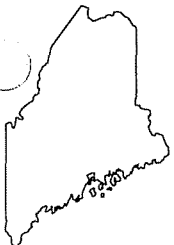
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act Regarding Security and Training Functions within the Bureau  
of Capitol Security.**

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(EMERGENCY)



Emergency preamble: Whereas, Acts of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
Whereas, the 90-day period terminates before the beginning  
6 of the next fiscal year; and

8  
Whereas, certain obligations and expenses incident to the  
operation of departments and agencies will become due and payable  
10 on or immediately after July 1, 1990; and

12  
Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
14 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
16 safety; now, therefore,

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

20 **Sec. 1. 25 MRSA §2801-B, sub-§1, ¶¶B and C, as enacted by PL**  
21989, c. 521, §§2 and 17, are amended to read:

22  
23 B. Agents or representatives of the Department of  
24 Conservation, Bureau of Parks and Recreation, whose law  
enforcement powers are limited to those specified in Title  
26 12, section 602, subsection 5; or

28 C. Agents or representatives of the Department of  
Conservation, Bureau of Forestry, whose law enforcement  
30 powers are limited to those specified by Title 12, section  
8901, subsection 3; ~~or~~

32  
33 **Sec. 2. 25 MRSA §2801-B, sub-§1, ¶D, as enacted by PL 1989, c.**  
34 521, §§2 and 17, is repealed.

36 **Sec. 3. Transfer of functions; transition.** The following transfer  
of functions and transition provisions apply.

38  
39 1. Notwithstanding the Maine Revised Statutes, Title 5,  
40 sections 1585 and 1586, on July 1, 1990, all accrued  
expenditures, assets, liabilities, balances, appropriations or  
42 allocations, transfers, revenues, or other available funds in any  
account or subdivision of an account of the Department of  
44 Administration related to a patroller function transferred by  
this Act are transferred to the Department of Public Safety,  
46 Bureau of Capitol Security.

48 2. Any employees of the Department of Administration  
transferred to the Department of Public Safety are transferred  
50 with their accrued rights and benefits. The accrued fringe  
benefits, including vacation and sick leave, health and life  
52 insurance and retirement, remain with those persons.

2 3. All rules and procedures relating to the functions  
4 transferred by this Act that are currently in effect and in  
compliance with this Act remain in effect until rescinded or  
6 amended as provided by law.

8 4. All contracts and agreements currently in effect with  
respect to any unit of State Government affected by this Act  
10 remain in effect until rescinded, terminated or modified as  
provided by law.

12 5. All equipment and property of the State used by  
14 employees and officials of the Department of Administration  
related to a function transferred by this Act are transferred to  
16 the Department of Public Safety.

18 6. Notwithstanding any other provision of law, any  
appointment and preparation work for the transfer of functions  
20 required by this Act may be made or may occur prior to the  
effective date of this Act, but are not binding and do not take  
22 effect until the effective date.

24 **Sec. 4. Appropriation.** The following funds are appropriated  
from the General Fund to carry out the purposes of this Act.

26 **1990-91**

28 **PUBLIC SAFETY, DEPARTMENT OF**

30 **Bureau of Capitol Security**

32	Positions	(4)
34	Personal Services	\$77,575

36 Provides funds to establish 4 patrollers as  
a unit within the Bureau of Capitol  
38 Security, effective July 1, 1990.

40	<b>DEPARTMENT OF PUBLIC SAFETY</b>	
	<b>TOTAL</b>	<u>\$77,575</u>

42 **ADMINISTRATION, DEPARTMENT OF**

44 **Maintenance State Capitol Complex**

46	Positions	(-4)
48	Personal Services	(\$77,575)

50 Provides for the transfer of funds for 4  
patrollers from the Department of  
Administration to the Department of Public

2 Safety, Bureau of Capitol Security,  
effective July 1, 1990.

4 DEPARTMENT OF ADMINISTRATION  
6 TOTAL

(\$77,575)

8 TOTAL APPROPRIATIONS

\$ -0-

10 Sec. 5. Effective date. This Act takes effect on July 1, 1990.

12 Emergency clause. In view of the emergency cited in the  
14 preamble, this Act takes effect when approved, unless otherwise  
indicated.

16 FISCAL NOTE

18 Sections 1 and 2 of the bill will have associated training  
20 costs which can not be determined at this time.

22 If the positions mentioned in sections 3 and 4 and the  
24 General Fund appropriation are eliminated as part of the  
Governor's budget reduction plan, then this transfer can not be  
26 implemented and the establishment of 4 patroller positions within  
the Department of Public Safety will require a General Fund  
28 appropriation of \$77,575 for fiscal year 1990-91.

30 STATEMENT OF FACT

32 Sections 1 and 2 of the bill ensure that security officers  
34 employed by the Department of Public Safety, Bureau of Capitol  
Security are subject to in-service and continuing education  
training requirements.

36 Sections 3 and 4 relocate 4 patroller positions from the  
38 Department of Administration to the Bureau of Capitol Security.