

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

Legislative Document

No. 2512

H.P. 1841

House of Representatives, April 13, 1990

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

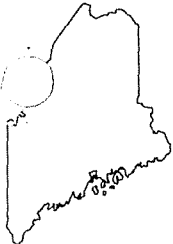
Presented by Representative JOSEPH of Waterville.

Cosponsored by Representative BURKE of Vassalboro, Representative NORTON of Winthrop and Representative CARROLL of Gray.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

**An Act to Establish Designated Positions Within the Department of Mental Health and Mental Retardation as Unclassified State Positions Subject to the State Employees Relations Act.**



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

2  
4 Sec. 1. 34-B MRSA §1204, sub-§2, ¶¶ D and E, as enacted by PL 1989, c. 501, Pt. P, §29, are amended to read:

6 D. The commissioner, with the approval of the Governor, may  
8 employ and set the salaries up to the maximum adjusted pay  
10 grade for ~~physieian I, II and III positions and clinical~~  
12 ~~director positions. Physieian I, II and III positions and~~  
14 ~~elinieal~~ Clinical director positions shall be are excluded  
16 from the definition of state employee under Title 26,  
18 section 979-A, subsection 6, and shall are not be subject to  
20 the Civil Service Law. Employees in these classifications  
22 that classification hired after the effective date of this  
24 paragraph shall July 1, 1989 serve at the pleasure of the  
26 commissioner and shall, as a condition of continued  
employment, maintain clinical privileges to practice  
medicine as determined by the respective medical staff and  
the superintendent of the facility.

20 E. Employees in the elassificatiens classification of  
22 physieian I, II and III and clinical director may elect to  
24 retain current bargaining unit and civil service status.  
26 Employees so "grandfathered" shall retain salary and benefit  
entitlement provided for on current pay schedules and  
collective bargaining agreements.

28 Sec. 2. 34-B MRSA §1204, sub-§8 is enacted to read:

30 B. Physicians. Employees in the classifications of  
32 physician I, II and III within the Department of Mental Health  
34 and Mental Retardation are unclassified state employees, as  
36 defined by Title 26, section 979-A, subsection 6, and are members  
38 of bargaining units, subject to Title 26, chapter 9-B. An  
40 employee in any of these classifications shall, as a condition of  
42 continued employment, maintain necessary clinical privileges to  
practice medicine in that employee's position as determined by  
the respective medical staff and the superintendent of the  
facility. Any termination of employment due to a loss of  
clinical privileges to practice medicine as referenced under this  
paragraph is not subject to the grievance procedure under any  
collective bargaining agreement.

44 Sec. 3. P&SL 1975, c. 147, Pt. D, §3, SCHEDULE 1b, first ¶, as  
46 enacted by PL 1989, c. 501, Pt. P, §33, is amended to read:

48 Physicians' maximum adjusted pay grade and Clinical  
Directors, ~~pursuant to the Maine Revised Statutes, Title 34-B,~~  
50 ~~section 1204, subsection 2, paragraph D,~~ for Physician I, Grade  
53; Physician II, Grade 56; Physician III, Grade 59; and Clinical  
Director, Grade 60 shall be as follows.

2           Sec. 4. P&SL 1975, c. 147, Pt. D, §3, SCHEDULE 1b, last ¶, as  
4 enacted by PL 1989, c. 501, Pt. P, §33, is amended to read:

6           Schedule 1b provides a maximum adjusted pay grade schedule  
8 and grades are subject to normal increases ~~authorized by law as  
10 provided by appropriate collective bargaining agreements.~~  
Employees under these pay grades are authorized the option of a  
5% salary increase in lieu of state payment of the employee's  
individual retirement contribution.

12           Sec. 5. Negotiations. Notwithstanding any other provision of  
14 law, the State and the bargaining agent for physicians employed  
16 by the Department of Mental Health and Mental Retardation shall  
18 negotiate as to the impact of the implementation of the Maine  
20 Revised Statutes, Title 34-B, section 1204, subsections 2 and 8.  
Negotiations must begin prior to September 1, 1990 and must be  
conducted in accordance with bargaining procedures set forth in  
Title 26, chapter 9-B. The negotiations are limited to salaries.

22           Sec. 6. Transition. The existing salary structure for  
24 physicians within the Department of Mental Health and Mental  
26 Retardation is in effect without change until the State and the  
bargaining agent for physicians reach agreement on a new salary  
structure.

#### 28           FISCAL NOTE

30           Once negotiations have been completed and a bargaining  
32 agreement reached, it may be necessary to provide a General Fund  
appropriation to fund and implement the provisions of the  
34 agreement. It is conceivable that a General Fund appropriation  
will be required in fiscal year 1990-91, as negotiations must  
36 begin prior to September 1, 1990. The precise amount will not be  
known until an agreement has been reached.

#### 38           STATEMENT OF FACT

40           The bill defines all physician I, II and III positions  
42 within the Department of Mental Health and Mental Retardation as  
unclassified state positions, subject to the State Employees  
44 Labor Relations Act. The bill requires negotiations for a  
revised salary structure for physicians. The negotiations must  
46 begin prior to September 1, 1990. The bill provides that  
employees must maintain necessary clinical privileges to practice  
48 medicine.