

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 995

S.P. 370

Received by the Secretary, March 7, 1991

Referred to the Committee on State and Local Government and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by President PRAY of Penobscot

Cosponsored by Senator DUTREMBLE of York, Representative JOSEPH of Waterville and Representative LARRIVÉE of Gorham.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Provide Employee Protection in the Event of Closure or  
Reduction in Capacity of State Facilities, Programs or Services.**

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(EMERGENCY)

Printed on recycled paper



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

Whereas, to ensure the continued operation of State Government using permanent state employees, this legislation must be enacted as an emergency measure; and

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

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

Sec. 1. 5 MRSA §19-B is enacted to read:

§19-B. Employee protection

The State provides that any closure or reduction of capacity of a publicly operated facility, program or service on or after December 5, 1990 is governed by the following standards.

1. Priority. Temporary state positions and contracted personal services that provide services within the capacity of existing job classifications must be eliminated prior to the elimination of permanent state positions.

2. Replacement. The State may not contract for personal services to provide the programs or services previously provided by permanent state employees who have been laid off for budgetary reasons.

Sec. 2. Retroactivity. This Act applies retroactively to December 5, 1990.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill ensures that temporary state positions and certain contracted personal services will be eliminated prior to permanent state positions. The State may not use contracted personal services to replace permanent state employees who have been laid off.