

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1284

S.P. 482

In Senate, March 25, 1991

Reference to the Committee on Human Resources suggested and ordered printed.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TITCOMB of Cumberland
Cosponsored by Representative SIMONDS of Cape Elizabeth and Representative
GOODRIDGE of Pittsfield.

STATE OF MAINE

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

**An Act to Provide Adequate Skilled Professionals and Employee
Protections in the Provision of Mental Health and Mental Retardation
Services during a Period of Closure and Reductions in Capacity and a
Transition to a Community Care-based Services System.**

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

34-B MRSA §1217 is enacted to read:

§1217. Preservation of human resources to improve services and build new and expanded community-based services

1. Protection of employees. If reductions in staffing at a state institution are made after January 1, 1991 as a result of closing of the state institution or a reduction in its operation, the department shall create and operate new and expanded community-based mental health and mental retardation programs that provide employment opportunities for state employees displaced by the closing or reduction. These programs must be operated by the department, as the employer, or under contract between the department and the provider. In either case, the department shall ensure the following:

A. Preservation of the rights, privileges and benefits of employees, including pension rights and benefits, under applicable state employee collective bargaining agreements; and

B. The continuation of collective bargaining rights of the employees through the current representative.

2. Positions protected. The department may not reduce the compensation, benefits or working conditions of employees at a state institution during the process of closing or reducing the services at a state institution and the development of a new and expanded system of community-based care.

3. Benefits protected. The department shall ensure that employees affected by the closing or reduction in services at a state institution are provided the same level of compensation and benefits and the same level of responsibility in the developing system of community-based care.

4. Training. To assist state employees in making the transition to the developing system of community-based care, the department shall offer training and retraining programs in the provision of community, residential, supportive and all other services that are part of the developing system of community-based care.

5. Existing community services. This section may not be implemented in a way that has a detrimental effect on existing private community-based agencies providing services for persons with mental illness or mental retardation. At the request of those agencies, the department shall attempt to place qualified state employees with those agencies under the provisions of this section.

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STATEMENT OF FACT

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This bill requires the Department of Mental Health and Mental Retardation to provide training programs for employees of state institutions that are affected by the closing or reduction of services at those institutions, guarantees that those employees are not adversely affected by the closing or reduction of the institutions and provides that those employees are entitled to the same compensation, benefits and collective bargaining rights that they currently have.

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