

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

13. Costs. For the purpose of determining whether a filing meets the requirements of this section, the superintendent may employ staff personnel and outside consultants. The reasonable costs related to the review of workers' compensation rate filings, including conduct of the hearing, shall be borne by the advisory organization or insurer making the filing.

14. Application. This section applies as provided in Title 24-A, chapter 25, subchapter II.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect as follows:

Part A - Sections 3, 5 to 9, 15 to 21, 24 to 27, 30, 32, 34, 40, 41 and 43 to 54 shall take effect on June 30, 1985, and shall apply only as to injuries occurring on and after that date. The remainder of Part A shall take effect on January 1, 1986, and shall apply only as to injuries occurring on and after January 1, 1986.

Part B - The following sections within Part B, section 5 shall take effect on July 1, 1985: Sections 2341 and 2346; section 2348, subsections 1, 4, 5 and 10; section 2350, subsection 1, paragraph E and subsection 2, paragraph F; and section 2355. Part B, section 6 shall take effect on January 1, 1987, and the remainder of Part B shall take effect on January 1, 1986.

Effective June 18, 1985, unless otherwise indicated.

CHAPTER 373

S.P. 501 - L.D. 1362

AN ACT to Establish the State Employee Assistance Program.

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

Sec. 1. 22 MRSA c. 254-A is enacted to read:

CHAPTER 254-A

STATE EMPLOYEE ASSISTANCE PROGRAM

§1391. Legislative Intent

The Legislature finds that employees of the State are a valued and skilled resource; that a State Employee Assistance Program, which provides services to the employees, spouses, dependents and retirees, has been operating on a limited basis; that the program has operated effectively and efficiently within the financial constraints imposed by lack of sufficient funding and official recognition; and that expansion and statutory recognition of this program will save the State considerable funds in terms of reduced lost time, medical costs, workers' compensation and disability costs and will promote increased efficiency in the workplace. The Legislature declares that it is consistent with public policy and sound management principles to establish and fund an expanded State Employee Assistance Program.

§1392. Purposes

1. Assessment and referral. Assessment and referral of employees whose work performance has been affected by behavioral or medical disorders defined as, but not limited to, alcoholism and drug abuse, misuse of other drugs, emotional problems, family disorders, financial, legal, marital and any other stresses shall be the primary purpose of the program. The major elements of the State Employee Assistance Program shall consist of the following:

- A. Assessment interview;
- B. Referral to appropriate treatment;
- C. Follow-up;
- D. Coordination of benefit package;
- E. Continuous care;
- F. Maintaining confidentiality of client records;
- G. Assessibility; and
- H. Education of state employees.

§1393. Staff

The director of the program may employ personnel to fulfill the purpose of this chapter. All personnel in the program shall be subject to the Personnel Law.

§1394. Employee participation and leave

Employee participation in the program shall be voluntary. Employees who wish to consult with a program counselor shall be granted administrative leave without loss of pay or benefits. The employee may use authorized accumulated leave, or leave without pay, for assistance by an outside resource.

§1395. Funds

The Department of Human Services shall receive and disburse funds made available to the program and the Commissioner of Human Services shall oversee the implementation and administration of the program. Funds made available to the department for the purposes of this chapter, from any source, shall not lapse, but shall be carried forward to the next fiscal year to be expended for the same purpose.

§1396. Confidentiality of client records

No records of the indentity, assessment, diagnosis, prognosis, referral or treatment of a client of the program may be maintained in the personnel records of individuals who participate in the program. Any such records which are maintained in connection with the performance of functions of the program shall be confidential.

Sec. 2. Report. The Director of the State Employee Assistance Program and the Commissioner of Finance and Administration or his designee shall conduct a study of the program and report their findings and recommendations to the Joint Standing Committee on State Government no later than January 1, 1986.

The study shall include the total number of users of the program, the number of users by departments or agencies of State Government, the methods by which the users learned about the program or came into contact with the program and alternative funding proposals for implementing the program.

Effective September 19, 1985.

CHAPTER 374

S.P. 312 - L.D. 801

AN ACT to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal.