

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

**FIRST REGULAR SESSION**

December 3, 1986 to June 30, 1987

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 1988

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

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Twin City Printery  
Lewiston, Maine  
1989

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**PRIVATE AND  
SPECIAL LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST SPECIAL SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

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**CHAPTER 76**

S.P. 662 — L.D. 1892

**AN ACT to Adjust General Fund Appropriations for the Fiscal Years Ending June 30, 1988, and June 30, 1989, and to Deauthorize an Unused and Unneeded General Fund Bond Issue Related to Acquisition of Rail Lines.**

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

Whereas, in response to legislation authorizing the State to purchase certain rail lines, the Department of Transportation utilized available resources to do so; and

Whereas, it is now deemed to be in the State's best interest to reimburse these authorized expenditures from resources expected to be available during the 1988-89 biennium rather than issue bonds for this purpose as originally contemplated; and

Whereas, this reimbursement should be made in a timely fashion in order that other transportation priorities may be met in a prudent manner; 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. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>TRANSPORTATION, DEPARTMENT OF</u>		
Railroad Assistance Program		
All Other	\$850,000	
Provides funds for reimbursement of expenses incurred in the acquisition of certain rail lines in the State.		
<u>TREASURY DEPARTMENT</u>		
Debt Service — Treasury Department		
All Other		(\$850,000)
Deappropriates funds not expected to be required.		
Total	<u>\$850,000</u>	<u>(\$850,000)</u>

**Sec. 2. Bond issue; unused portion of Private and Special Law 1985, chapter 75, deauthorized.** The amount of \$850,000, which was authorized but remains

unissued in bond under Private and Special Law 1985, chapter 75, shall be deauthorized.

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

Effective October 15, 1987.

**CHAPTER 77**

S.P. 666 — L.D. 1897

**AN ACT to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining.**

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

Whereas, certain obligations and expenses incident to the operation of the State and the Maine Vocational-Technical Institute System collective bargaining agreements will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of tentative collective bargaining agreements negotiated by the Executive Branch which require legislative action; and

Whereas, the Governor and the Legislature also share a desire to address the needs of certain state employees excluded from collective bargaining units on a timely basis; and

Whereas, it is the responsibility of the Legislature to act upon those portions of tentative collective bargaining agreements negotiated by the Executive Branch on behalf of the Maine Vocational-Technical Institute System employees which require legislative action; and

Whereas, the Governor and the Legislature also share a desire to address the needs of certain state and vocational-technical institute system employees excluded from collective bargaining units on a timely basis; 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:

**PART A**

**Sec. 1. Costs to the General Fund.** There is appropriated in Part G of this Act funding sufficient when combined with other available funds to cover the costs

to the General Fund in the amount of \$4,552,375 for the fiscal year ending June 30, 1988, and the amount of \$10,574,353 for the fiscal year ending June 30, 1989, to implement the economic terms of the collective bargaining agreements agreed to by the State and the Maine State Employees Association for the Administrative Services Bargaining Unit, the Supervisory Services Bargaining Unit, the Professional and Technical Services Bargaining Unit, the Law Enforcement Services Bargaining Unit, and the Operations, Maintenance and Support Services Bargaining Unit.

**Sec. 2. Costs to the Highway Fund.** There is allocated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$2,178,255 for the fiscal year ending June 30, 1988, and in the amount of \$5,358,415 for the fiscal year ending June 30, 1989, to fund salary and benefit changes of the collective bargaining agreements agreed to by the State and the Maine State Employees Association for the Administrative Services Bargaining Unit, the Supervisory Services Bargaining Unit, the Law Enforcement Services Bargaining Unit, and the Operations, Maintenance and Support Services Bargaining Unit.

**Sec. 3. Special account funding.** Funding provided by this Act shall be segregated into a special account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor. The funds shall include retirement costs. Positions supported from sources of funding other than the General Fund and Highway Fund shall be funded whenever possible from those other sources.

**Sec. 4. Adjustment of salary schedule for fiscal year 1988.** Effective at the beginning of the pay week commencing closest to July 1, 1987, the salary schedule for employees in the Administrative Services Bargaining Unit, the Supervisory Services Bargaining Unit, the Professional and Technical Services Bargaining Unit, the Law Enforcement Services Bargaining Unit, and the Operations, Maintenance and Support Services Bargaining Unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreements.

**Sec. 5. Adjustments of salary schedule for fiscal year 1989.** Effective at the beginning of the pay week commencing closest to July 1, 1988, the salary schedule for the employees in the Administrative Services Bargaining Unit, the Supervisory Services Bargaining Unit, the Professional and Technical Services Bargaining Unit, the Law Enforcement Services Bargaining Unit, and the Operations, Maintenance and Support Services Bargaining Unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreements. Effective at the beginning of the pay week commencing closest to January 1, 1989, these salary schedules shall again be adjusted by 3% consistent with the terms of the collective bargaining agreements.

**Sec. 6. New employees; similar and equitable treat-**

**ment.** Employees in classifications included in the Administrative Services Bargaining Unit, the Supervisory Services Bargaining Unit, the Professional and Technical Services Bargaining Unit, and the Operations, Maintenance and Support Services Bargaining Unit, but who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F, shall be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreements, except that nonstatus employees in acting capacity, intermittent or project positions shall receive pay increases provided by this Act prospectively only and shall not receive any retroactive payment.

## PART B

**Sec. 1. Costs to the General Fund.** There is appropriated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$1,277,555 for the fiscal year ending June 30, 1988, and in the amount of \$3,050,840 for the fiscal year ending June 30, 1989, to implement the economic terms of the collective bargaining agreements agreed to by the State and the American Federation of State, County and Municipal Employees — Council #93 for the Institutional Services Bargaining Unit.

**Sec. 2. Special Account Funding.** Funding provided by this Act shall be segregated into a special account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor. The funds shall include retirement costs. Positions supported from sources of funding other than the General Fund shall be funded whenever possible from those other sources.

**Sec. 3. Adjustments of salary schedule for fiscal year 1988.** Effective at the beginning of the pay week commencing closest to July 1, 1987, the salary schedule for employees in the Institutional Services Bargaining Unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreement.

**Sec. 4. Adjustments of salary schedule for fiscal year 1989.** Effective at the beginning of the pay week commencing closest to July 1, 1988, the salary schedule for employees in the Institutional Services Bargaining Unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreement. Effective at the beginning of the pay week commencing closest to January 1, 1989, this salary schedule shall again be adjusted by 3% consistent with the terms of the collective bargaining agreement.

**Sec. 5. New employees; similar and equitable treatment.** Employees in classifications included in the Institutional Services Bargaining Unit, but who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F, shall be given similar and

equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreement, except that nonstatus employees in acting capacity, intermittent or project positions shall receive pay increases provided by this Act prospectively only and shall not receive any retroactive payment.

### PART C

**Sec. 1. Costs to the General Fund.** There is appropriated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$287,496 for the fiscal year ending June 30, 1988, and in the amount of \$365,905 for the fiscal year ending June 30, 1989, to implement the economic terms of the collective bargaining agreement agreed to by the State and the Maine State Troopers Association, representing the Maine State Troopers Bargaining Unit.

**Sec. 2. Costs to the Highway Fund.** There is allocated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$862,488 for the fiscal year ending June 30, 1988, and in the amount of \$1,097,715 for the fiscal year ending June 30, 1989, to fund salary and benefit changes of the collective bargaining agreement agreed to by the State and the Maine State Troopers Association for the Maine State Troopers Bargaining Unit.

**Sec. 3. Special Account Funding.** Funding provided by this Act shall be segregated into a special account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor. The funds shall include retirement costs. Positions supported from sources of funding other than the General Fund and Highway Fund shall be funded whenever possible from those other sources.

**Sec. 4. Adjustments of salary schedule for fiscal year 1988.** Effective at the beginning of the pay week commencing closest to July 1, 1987, the salary schedule for the Maine State Troopers Bargaining Unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreement. Effective at the beginning of the pay week commencing closest to January 1, 1988, the salary schedule shall again be adjusted consistent with the terms of the collective bargaining agreement.

**Sec. 5. Adjustment of salary schedule for fiscal year 1989.** Effective at the beginning of the pay week commencing closest to July 1, 1988, the salary schedule for the Maine State Troopers Bargaining Unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreement.

**Sec. 6. New employees; similar and equitable treatment.** Employees in classifications included in the Maine State Troopers Bargaining Unit, but who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6,

paragraphs E and F, shall be given similar and equitable treatment on a pro rata basis to that given employees covered by the agreement, except that nonstatus employees in acting capacity, intermittent or project positions shall receive pay increases provided by the Act prospectively only and shall not receive any retroactive payment.

### PART D

**Sec. 1. Definition of confidential employees.** For the purpose of this Act, confidential employees are defined as those within the Executive Branch, including probationary employees, who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.

**Sec. 2. Costs to the General Fund.** There is appropriated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$746,842 for the fiscal year ending June 30, 1988, and in the amount of \$1,910,929 for the fiscal year ending June 30, 1989, to fund salary and benefit changes for confidential employees.

**Sec. 3. Costs to the Highway Fund.** There is appropriated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$161,945 for the fiscal year ending June 30, 1988, and in the amount of \$414,709 for the fiscal year ending June 30, 1989, to fund salary and benefit changes for confidential employees.

**Sec. 4. Special account funding.** Funding provided by this Act shall be segregated into a special account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor. The funds shall include retirement costs. Positions supported from sources of funding other than the General Fund and the Highway Fund shall be funded whenever possible from those sources.

**Sec. 5. Retirement option.** Newly appointed confidential employees who are not required by law to participate in the Maine State Retirement System may elect to receive a 5% salary increase in lieu of State payment of their retirement contribution. This option shall be exercised at the time of appointment.

**Sec. 6. Adjustment of salary schedule for fiscal year 1988.** Effective at the beginning of the pay week commencing closest to July 1, 1987, the salary schedule for confidential employees shall be revised to be the same as the Supervisory Services Bargaining Unit salary schedule, including the 3% adjustment to that schedule effective July 1, 1987.

**Sec. 7. Adjustment of salary schedule for fiscal year 1989.** Effective the beginning of the pay week commencing closest to July 1, 1988, the salary schedule for confidential employees shall be adjusted by 3%. Effective

at the beginning of the pay week commencing closest to January 1, 1989, this salary schedule shall again be adjusted by 3%.

**Sec. 8. Employees whose salaries are subject to the Governor's adjustment or approval.** The Governor is authorized to grant similar and equitable treatment consistent with this Act for those unclassified employees whose salaries are subject to the Governor's adjustment or approval.

**Sec. 9. Employees of the Legislative Branch.** The Legislative Council may approve salary and benefit increases for confidential employees within the Legislative Branch, including constitutional officers and the State Auditor, not subject to collective bargaining.

**PART E**

**Sec. 1. Costs to the General Fund.** There is appropriated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$86,453 for the fiscal year ending June 30, 1988, and in the amount of \$197,518 for the fiscal year ending June 30, 1989, to offset salary and benefit costs of the Maine Vocational-Technical Institute System employees.

**Sec. 2. Special account funding.** Funding provided by this Act shall be segregated into a special account to be made available to the Board of Trustees of the Maine Vocational-Technical Institute System as needed upon recommendation of the State Budget Officer with the approval of the Governor. The funds shall include retirement costs. Positions supported from sources other than the General Fund shall be funded whenever possible from those other sources.

**PART F**

**Costs to the General Fund.** There is appropriated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$136,176 for the fiscal year ending June 30, 1988, and in the amount of \$350,797 for the fiscal year ending June 30, 1989, to offset salary and benefit costs of Maine Maritime Academy employees.

**PART G**

**Sec. 1. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>FINANCE, DEPARTMENT OF</u>		
State Contingency Account Finance —		
Unallocated	\$(7,500,000)	\$ (7,500,000)
Salary Plan		
Personal Services	3,413,482	16,099,545

TOTAL	<u>\$(4,086,518)</u>	<u>\$ 8,599,545</u>
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HUMAN SERVICES, DEPARTMENT OF

Medical Care — Payments to Providers		
All Other	\$(2,500,000)	\$ (2,500,000)

MAINE MARITIME ACADEMY

Maritime Academy — Operations		
All Other	\$ 136,176	\$ 350,797

PART G TOTAL APPROPRIATION	<u>\$(6,450,342)</u>	<u>\$ 6,450,342</u>
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**Sec. 2. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
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FINANCE, DEPARTMENT OF

State Contingency Account Finance —		
Unallocated	\$(1,400,000)	\$( 4,000,000)
Salary Plan		
Personal Services	137,572	6,870,839

PART G TOTAL ALLOCATION	<u>\$(1,262,428)</u>	<u>\$ 2,870,839</u>
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**PART H**

**Sec. 1. Carrying clause.** Any balances remaining from special accounts established by this Act shall not lapse, but shall be carried forward to June 30, 1989.

**Sec. 2. Authorization for reimbursement of costs associated with contract resolution.** The Department of Administration and the Department of Finance may be reimbursed from the special accounts funded by this Act for the costs of contract resolution, administration and implementation and other costs required by the process of collective bargaining and by impact negotiation procedures.

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

Effective October 15, 1987.

**CHAPTER 78**

S.P. 688 — L.D. 1916

**AN ACT to Allocate Funds from the Highway Fund to Carry out a Feasibility Study on a Truck Registration Center.**

**Emergency preamble.** Whereas, Acts of the Legis-