

# 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  
SECOND REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

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ferred subject to law. Nothing contained in this Act is intended to repeal, or may be construed as repealing the whole or any part of any existing law, and all the rights and duties mentioned in this Act shall be exercised and performed in accordance with all the applicable provisions of the Maine Revised Statutes, Title 35-A, and all Acts that amend or are additional to that Title.

**Sec. 13. Separability clause.** If any section or part of a section of this charter shall be held invalid by a court of competent jurisdiction, the holding shall not affect the remainder of this charter, it being the intention that the remaining portions of this charter shall stand, notwithstanding the unconstitutionality or invalidity of any section, sentence, clause or phrase.

**Sec. 14. Referendum; effective date.** In view of the emergency cited in the preamble, this Act shall take effect when approved only for the purpose of permitting its submission to the legal voters of the district at a special election or elections called and held for the purpose. The election shall be called by the municipal officers of the Town of Pembroke and shall be held at the regular voting places; the dates of the elections shall be determined by the municipal officers, but the first meeting of the town shall not be later than the first day of December 1988. These special elections shall be called, advertised and conducted according to the law relating to municipal elections, provided that the board of registration shall not be required to prepare, nor the town clerk to post, a new list of voters. For this purpose, the board of registration shall be in session on the 3 secular days next preceding the elections, the first and 2nd days to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close up their records of the session. The town clerk shall reduce the subject matter of this Act to the following question:

"Shall 'The Act to Incorporate the Pembroke Utilities District' passed by the Legislature, be accepted?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters of the district voting at the elections, but only if the total number of votes cast for and against the acceptance of this Act in the special elections equals or exceeds 20% of the total number of names on the checklist of voters of the town provided for in this Act, which checklist shall be used at such elections, but failure of approval by the necessary majority or percentage of voters shall not prevent subsequent elections.

The result of these elections shall be declared by the municipal officers of the town and due certificates thereof filed by the town clerk with the Secretary of State.

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

Effective pending referendum.

## CHAPTER 92

H.P. 1479 — L.D. 2014

### AN ACT to Make Additional Allocations from the Public Utilities Regulatory Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Public Utilities Commission will become due and payable on or before July 1, 1988; 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>PUBLIC UTILITIES COMMISSION</u>		
Personal Services Provides funding for approved reclassification of Programmer Analyst to Utility Technical Analyst I.	\$ 500	\$ 1,920
All Other Deappropriates surplus funds to support approved reclassification.	( 560)	( 1,920)
Total	<u>\$ 0</u>	<u>\$ 0</u>

**Sec. 2. Allocation of Public Utilities Commission Regulatory Fund.** The Public Utilities Commission Regulatory Fund shall be allocated as designated in the following schedule.

	<u>1987-88</u>	<u>1988-89</u>
<u>PUBLIC UTILITIES COMMISSION</u>		
Personal Services Provides funding for approved reclassification of Utility Accountant II to Utility Accountant III.	\$ 2,840	\$ 3,067
All Other Capital Expenditures	( 2,840)	( 3,067) 300,472

Provides funding for purchase of computer system.

Total	\$ 0	\$300,472
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**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 14, 1988.

## CHAPTER 93

H.P. 1578 — L.D. 2153

### 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 incidental to the operation of the State and the Judicial Department 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 judicial branch which require legislative action; and

Whereas, the Governor and the Legislature also share a desire to address the needs of certain Judicial Department 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 C of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$276,694 for the fiscal year ending June 30, 1988, and the amount of \$515,976 for the fiscal year ending June 30, 1989, to implement the economic terms of the collective bargaining agreements agreed to by the Judicial Department and the Maine State Employees Association for the Administrative Services Bargaining Unit, the Supervisory Bargaining Unit and the Professional Bargaining Unit.

**Sec. 2. Special account funding.** Funding provid-

ed 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.

**Sec. 3. 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 Bargaining Unit and the Professional Bargaining Unit shall be adjusted by 4% consistent with the terms of the collective bargaining agreements.

**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 the employees in the Administrative Services Bargaining Unit, the Supervisory Bargaining Unit and the Professional Bargaining Unit shall be adjusted by 2.15% consistent with the terms of the collective bargaining agreements. Effective at the beginning of the pay week closest to January 1, 1989, these salary schedules shall again be adjusted by 2.85% consistent with the terms of the collective bargaining agreements.

**Sec. 5. Other employees; similar and equitable treatment.** Employees in classifications included in the Administrative Services Bargaining Unit, the Supervisory Bargaining Unit and the Professional Bargaining Unit, but who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, F and G, shall be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreements.

### PART B

**Sec. 1. Definition of excepted employees.** For the purposes of this Part, "excepted employees" are defined as those within the judicial branch who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, D and E, other than those referred to in Part A, section 5.

**Sec. 2. Costs to the General Fund.** There is appropriated in Part C of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$28,010 for the fiscal year ending June 30, 1988, and in the amount of \$70,919 for the fiscal year ending June 30, 1989, to fund salary and benefit changes for excepted employees.

**Sec. 3. 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 excepted employees shall be adjusted by 3%.

**Sec. 4. Adjustment of salary schedule for fiscal year 1989.** Effective the beginning of the pay week com-