

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

10-C. Legislative records. The Secretary of the Senate and the Clerk of the House of Representatives shall obtain the noncurrent records of the Legislature and of each committee thereof at the close of each Legislature and transfer them to the Maine State Archives for preservation, subject to the orders of the Senate or the House of Representatives, respectively, and subject to schedules established in consultation with the Executive Director of the Legislative Council;

Sec. 3. Joint review and report. The Maine State Archives, the Bureau of Purchases and the Office of Information Services shall jointly review and determine the requirements to ensure the appropriate management, retention and disposition of record series established through the use of automated media. The review shall address the availability of information to the Maine State Archives concerning automated media conversion and storage equipment, and record series that are established. The review shall examine the functions and authority of the 3 organizations to determine how a combined effort may best provide the assurance necessary for appropriate automated media records management by the Maine State Archives. A joint report shall be prepared and submitted to the Joint Standing Committee on State and Local Government by January 31, 1990, outlining the findings of the review, noting regulatory and administrative measures taken and recommending any further legislation which may be necessary.

See title page for effective date.

CHAPTER 236

S.P. 260 - L.D. 650

An Act to Provide for the Merger of Bargaining Units Represented by a Single Bargaining Agent under the Municipal Employees Labor Relations Law

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

26 MRSA §966, sub-§4 is enacted to read:

4. Unit merger; same bargaining agent. If there is the same certified or currently recognized bargaining representative of public employees in multiple bargaining units with the same public employer, the public employer or certified or recognized bargaining representative may file a petition with the executive director to merge those bargaining units. Upon the finding of the executive director or the director's designee that the expanded unit would conform with the requirements set forth in this section, the executive director shall order an election within each bargaining unit to determine whether a majority of the employees voting in each bargaining unit wish to be within the expanded unit. The only question on the ballot in a merger election shall be approval or disapproval of the proposed merger. The executive director or the director's designee shall certify the bargaining agent for an expanded unit consisting of any bargain-

ing units in which a majority of the employees voting approved the merger.

A. After an expanded unit is certified, the parties shall then bargain over modifications needed in order to provide for the wages, hours and working conditions or contract grievance arbitration for the newly included positions in any existing collective bargaining agreement or any collective bargaining agreement being negotiated.

Where there is an unexpired collective bargaining agreement in the merged bargaining unit with a different expiration date from any other collective bargaining agreement in the merged bargaining unit, all contracts shall be honored to their expiration date unless mutually agreed to otherwise by the public employer and the bargaining agent. Collective bargaining agreements may be bargained on an interim basis in any merged bargaining unit so that all collective bargaining agreements expire on the same date.

B. If a petition has been filed by a competing organization for decertification of the current bargaining agent for any of the bargaining units subject to the merger, then the decertification petition takes precedence over a petition to merge bargaining units.

C. A public employer or certified or recognized bargaining representative may not file more than once a year with the executive director to merge or combine bargaining units for the same bargaining unit.

D. The executive director or the director's designee conducting unit merger proceedings may administer oaths and may require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relating to the issues presented to the executive director or the director's designee.

E. A bargaining unit composed of a majority of supervisors may not merge under this subsection with any other bargaining unit.

F. A bargaining unit composed of teachers may not merge under this subsection with a bargaining unit of nonprofessional employees.

See title page for effective date.

CHAPTER 237

H.P. 531 - L.D. 716

An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund, Department of Administration, for the Fiscal Years Ending June 30, 1990, and June 30, 1991

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 will become due and payable on or immediately after July 1, 1989; 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 §1587, as amended by PL 1985, c. 826, §1, is further amended to read:

§1587. Lease-purchase agreements

Notwithstanding any other provision of law, no agent or officer of the State or any department or agency thereof may enter into a lease-purchase or other similar agreement whereby the State would become the ultimate owner of buildings or equipment, if the outright purchase price of such capital items is more than \$2,000, or ~~\$30,000~~ \$40,000 for telecommunications related equipment, without specific prior approval of the Legislature through the usual budget procedure. That request for approval shall be submitted as a separate line item. All agreements relating to telecommunications equipment that are ~~\$30,000~~ \$40,000 or less shall be subject to review by a subcommittee of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. All lease-purchase agreements submitted for review or approval shall include the total amount of interest charged.

Sec. 2. 5 MRSA §1886, sub-§2-A, ¶C and D, as enacted by PL 1987, c. 282, §2, are amended to read:

C. Levy charges, according to a rate schedule based on uniform billing procedures approved by the Commissioner of Administration, against all units utilizing telecommunications services; ~~and~~

D. Submit a budget of estimated revenues and costs to be incurred by the program in the same manner as required for the General Fund in chapters 145 and 149. Notwithstanding section 1583, allocations may be increased or adjusted by the State Budget Officer, with approval of the Governor, to specifically cover those adjustments determined to be necessary by the Commissioner of Administration. Further, any request for adjustment to the allocation shall be subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs; and

Sec. 3. 5 MRSA §1886, sub-§2-A, ¶E is enacted to read:

E. Require departments and agencies to be a part of the central telecommunications service network. No capital items purchased through the Internal Telecommunications Fund may be given, transferred, sold or otherwise conveyed to any other department, agency or account without authorization through the normal budgetary process. Except as authorized by the deputy commissioner, telecommunications services, equipment and systems shall be deemed to be the responsibility and property of the fund.

Sec. 4. Allocation of fund. In order to provide for the necessary expenses of current operation and administration of the Intergovernmental Telecommunications Fund of the Department of Administration, the following amounts, or as much as may be necessary, are allocated from the revenues derived from operations of the fund.

	1989-90	1990-91
ADMINISTRATION, DEPARTMENT OF		
Intergovernmental Tele- communications Fund		
Positions	(10)	(10)
Personal Services	\$ 363,689	\$ 372,266
All Other	5,862,506	6,131,211
DEPARTMENT OF ADMINISTRATION		
TOTAL	\$6,226,195	\$6,503,477

Sec. 5. Supplemental allocation of fund. In order to increase service offerings and to increase the cost effectiveness of statewide telecommunications, the following amounts, or as much as may be necessary, are allocated from the revenues derived from operations of the Intergovernmental Telecommunications Fund of the Department of Administration.

	1989-90	1990-91
ADMINISTRATION, DEPARTMENT OF		
Intergovernmental Tele- communications Fund		
Positions	(13)	(13)
Personal Services	\$ 514,427	\$ 540,134
All Other	2,514,685	1,726,347
TOTAL	\$3,029,112	\$2,266,481

Authorizes funds for 13 essential positions to improve service and cost effectiveness in customer support,

network operations, network planning and installation and plant management. All other funds primarily provide consulting services, interest and rentals related to central network restructuring and upgrade. Positions include: customer support section: one Telecommunication Service Coordinator; network operations section: one Network Supervisor, 2 Data Communications Specialists, and one Data Communications Technician; installation and plant section: one Network Manager, one Telecommunications Coordinator, and one Electrician Lineman; network planning section: one Network Planning Manager, 2 Senior Technical Support Specialists, and one Technical Support Specialist; and administrative unit: one Secretary.

Intergovernmental Telecommunications Fund

Positions	(10)	(10)
Personal Services	\$338,513	\$355,069
All Other	258,620	180,058
TOTAL	<u>\$597,133</u>	<u>\$535,127</u>

Authorizes funds for 10 positions to support the state network of some 100 deployed systems and to provide basic maintenance capability. All Other funds primarily reflect interest associated with the systematic replacement and upgrade of existing network components. Positions include: network operations section: one Computer Operation Specialist, and 2 Data Communications Specialists; installation and plant section: 4 Data Communications Technicians, and one Electrician Lineman; network planning section: one Senior Technical Support Specialist, and one Technical Support Specialist.

Intergovernmental Telecommunications Fund

All Other (\$1,100,000) (\$1,100,000)

Deletes funds in section 4 no longer necessary for contracted network planning and maintenance upon approval of Personal Services and All Other in this section.

**DEPARTMENT OF ADMINISTRATION
TOTAL ALLOCATION**

\$2,526,245 \$1,701,608

Sec. 6. Exclusion. Exclusive of the provisions of sections 4 and 5 of this Act, up to \$750,000 for Capital Expenditures may be expended in each fiscal year of the biennium, exclusive of capital items obtained through lease-purchases or other similar agreements consistent with the Maine Revised Statutes, Title 5, section 1587, and other applicable laws.

Sec. 7. Encumbered balance at year end. At the end of each fiscal year, all encumbered balances shall not be carried more than once.

Sec. 8. Report. The Deputy Commissioner of Administration shall report annually on or before January 15th to the joint standing committee having jurisdiction over appropriations and financial affairs. The report shall include, but not be limited to, the following:

1. A review of the total cost of telecommunications services for State Government;
2. A discussion of the implications of any regulatory changes on the cost of telecommunication services for State Government; and
3. An account of the savings in total telecommunication costs for State Government resulting from specific actions of the Office of Information Services, including the savings resulting from the supplemental allocations authorized in section 5 of this Act.

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

Effective June 6, 1989.

CHAPTER 238

H.P. 548 - L.D. 745

An Act to Clarify the Provisions of the Act to Protect Elderly, Infirm Persons from Improvident Transfers of Title to Property