

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 FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

C. In 1992, report on the status of collective bargaining negotiations for the system. The report may include recommendations on whether the municipal employees labor relations laws will continue to apply to the system or whether the state employees labor relations laws should apply. In compiling this portion of its report, the system shall provide for input from employees of the system or, where a bargaining agent has been certified, from that bargaining agent.

See title page for effective date.

CHAPTER 933

H.P. 1841 - L.D. 2512

An Act to Establish Designated Positions Within the Department of Mental Health and Mental Retardation as Unclassified State Positions Subject to the State Employees Relations Act

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

Sec. 1. 34-B MRSA §1204, sub-§2, ¶¶D and E, as enacted by PL 1989, c. 501, Pt. P, §29, are amended to read:

D. The commissioner, with the approval of the Governor, may employ and set the salaries up to the maximum adjusted pay grade for ~~physician I, II and III positions and~~ clinical director positions. Physician I, II and III positions and clinical Clinical director positions shall be are excluded from the definition of state employee under Title 26, section 979-A, subsection 6, and ~~shall~~ are not be subject to the Civil Service Law. Employees in ~~these classifications that classification~~ hired after the effective date of this paragraph ~~shall~~ July 1, 1989 serve at the pleasure of the commissioner and shall, as a condition of continued employment, maintain clinical privileges to practice medicine as determined by the respective medical staff and the superintendent of the facility.

E. Employees in the ~~classifications~~ classification of ~~physician I, II and III and~~ clinical director may elect to retain current bargaining unit and civil service status. Employees so "grandfathered" ~~shall~~ retain salary and benefit entitlement provided for on current pay schedules and collective bargaining agreements.

Sec. 2. 34-B MRSA §1204, sub-§8 is enacted to read:

8. Physicians. Employees in the classifications of physician I, II and III within the Department of Mental Health and Mental Retardation are unclassified state employees, as defined by Title 26, section 979-A, subsec-

tion 6, and are members of bargaining units, subject to Title 26, chapter 9-B. An employee in any of these classifications shall, as a condition of continued employment, maintain necessary clinical privileges to practice medicine in that employee's position as determined by the respective medical staff and the superintendent of the facility. Any termination of employment due to a loss of clinical privileges to practice medicine as referenced under this paragraph is not subject to the grievance procedure under any collective bargaining agreement.

Sec. 3. P&SL 1975, c. 147, Pt. D, §3, SCHEDULE 1b, first ¶, as enacted by PL 1989, c. 501, Pt. P, §33, is amended to read:

Physicians' maximum adjusted pay grade and Clinical Directors, ~~pursuant to the Maine Revised Statutes, Title 34-B, section 1204, subsection 2, paragraph D;~~ for Physician I, Grade 53; Physician II, Grade 56; Physician III, Grade 59; and Clinical Director, Grade 60 shall be as follows.

Sec. 4. P&SL 1975, c. 147, Pt. D, §3, SCHEDULE 1b, last ¶, as enacted by PL 1989, c. 501, Pt. P, §33, is amended to read:

Schedule 1b provides a maximum adjusted pay grade schedule and grades are subject to normal increases ~~authorized by law as provided by appropriate collective bargaining agreements.~~ Employees under these pay grades are authorized the option of a 5% salary increase in lieu of state payment of the employee's individual retirement contribution.

Sec. 5. Negotiations. Notwithstanding any other provision of law, the State and the bargaining agent for physicians employed by the Department of Mental Health and Mental Retardation shall negotiate as to the impact of the implementation of the Maine Revised Statutes, Title 34-B, section 1204, subsections 2 and 8. Negotiations must begin prior to September 1, 1990 and must be conducted in accordance with bargaining procedures set forth in Title 26, chapter 9-B. The negotiations are limited to salaries.

Sec. 6. Transition. The existing salary structure for physicians within the Department of Mental Health and Mental Retardation is in effect without change until the State and the bargaining agent for physicians reach agreement on a new salary structure.

See title page for effective date.

CHAPTER 934

S.P. 909 - L.D. 2312

An Act to Establish the Office of Substance Abuse

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