

MAINE STATE LEGISLATURE

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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

PRIVATE AND SPECIAL 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

2 community-based diversion and restitution centers in Androscoggin County and Penobscot County	2,800,000
50-bed minimum-security housing unit and improvements to sewerage treatment facilities at the Downeast Correctional Center	1,500,000
Establishment of a women's prerelease unit in Hallowell	50,000
Feasibility studies for future operations, additions and establishment of new resources regarding the Maine Youth Center; for establishing a multipurpose correctional facility with reception, diagnostic, mental health, medical and geriatric services; and for possible future uses for the Maine State Prison	250,000

DEPARTMENT OF CORRECTIONS _____
TOTAL \$20,250,000

Sec. 7. Elimination of "East Wing Annex." The area of the Maine State Prison presently designated as the "East Wing Annex" may not be used as a residential area unless it is renovated to meet American Correctional Association standards. This provision is effective immediately upon the occupation of any portion of the proposed maximum-security facility in South Warren.

Sec. 8. Transfer between items. The amounts listed after the items in section 6 of this Act are to be construed as a guide. Any of the amounts may be exceeded with the approval of the Governor by transfer from one item to another of an amount not exceeding 10% of the aggregate.

Sec. 9. Contingent upon ratification of bond issue. Sections 1 to 6 shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 10. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. 11. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 12. Referendum for ratification; submission at general election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a general election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Shall a bond issue be authorized in the amount of \$20,250,000 to build, purchase, plan and renovate correctional facilities and to study future operation needs?"

The legal voters of each city, town and plantation shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 134

H.P. 1804 - L.D. 2475

An Act to Fund and Implement a Collective Bargaining Agreement with the Maine State Troopers Association

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 collective bargaining agreement with the Maine State Troopers Association will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of a tentative collective bargaining agreement negotiated by the executive branch that require legislative action; 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. A-1. Costs to the General Fund. Funds are appropriated in Private and Special Law 1989, chapter 86, Part E, to cover the costs to the General Fund in the amount of \$357,500 for the fiscal year ending June 30, 1990, and in the amount of \$840,500 for the fiscal year ending June 30, 1991, to implement the economic terms of the collective bargaining agreement made by the State and the Maine State Troopers Association for the Maine State Troopers bargaining unit.

Sec. A-2. Costs to the Highway Fund. Funds are allocated in Private and Special Law 1989, chapter 86, Part E, to cover the costs to the Highway Fund in the amount of \$357,500 for the fiscal year ending June 30, 1990, and in the amount of \$840,500 for the fiscal year ending June 30, 1991, to fund salary and benefit changes of the collective bargaining agreement made by the State and the Maine State Troopers Association for the Maine State Troopers bargaining unit.

Sec. A-3. Special account funding. Funding provided by Private and Special Law 1989, chapter 86, Part E, must 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 must include retirement costs. Positions supported from sources of funding other than the General Fund and Highway Fund must be funded whenever possible from those other sources.

Sec. A-4. Adjustment of salary schedules for fiscal year 1989-90. Effective at the beginning of the pay week commencing closest to July 1, 1989, the salary schedules for employees in the Maine State Troopers bargaining unit are adjusted by 3% consistent with the terms of the collective bargaining agreement. Effective at the beginning of the pay week commencing closest to April 1, 1990, these salary schedules are again adjusted by 3% consistent with the terms of the collective bargaining agreement.

Sec. A-5. Adjustments of salary schedules for fiscal year 1990-91. Effective at the beginning of the pay week commencing closest to October 1, 1990, the salary schedules for employees in the Maine State Troopers bargaining unit are adjusted by 3% consistent with the terms of the collective bargaining agreement. Effective at the beginning of the pay week commencing closest to April 1, 1991, these salary schedules are again adjusted by 3% consistent with the terms of the collective bargaining agreement.

Sec. A-6. Funding for fiscal year 1991-92. Funding and implementation of the economic terms of the collective bargaining agreement between the State and the Maine State Troopers Association representing the employees in the Maine State Troopers bargaining unit for the fiscal year ending June 30, 1992, are subject to approval and appropriation of \$1,013,000 from the General Fund and allocation of \$1,013,000 from the Highway Fund by the First Regular Session of the 115th Legislature.

Sec. A-7. 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, must 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 are entitled to receive pay increases provided by this Act prospectively only and may not receive any retroactive payment.

PART B

Sec. B-1. Carrying clause. Any balances remaining from special accounts established by this Act may not lapse but must be carried forward to June 30, 1991.

Sec. B-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 negotiation procedures.

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

Effective April 20, 1990.

CHAPTER 135

S.P. 1009 - L.D. 2504

An Act to Authorize a General Fund Bond Issue in the Amount of \$4,500,000 for Acquisition of Certain Rail Lines, Rail Trackage Rights or Easements or Ancillary Rights and Interests for the Establishment, Preservation and Operation of a Rail System to Service Maine

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the acquisition of certain rail lines,