

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

PART B

Sec. B-1. Transfer from salary plan. The salary plan program in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and the approval of the Governor to be used for the implementation of the collective bargaining agreement for state employees in fiscal years 1996-97, 1997-98 and 1998-99.

Sec. B-2. Carrying clause. Any balances remaining in the General Fund and the Highway Fund salary plan accounts in the Department of Administrative and Financial Services may not lapse but must be carried forward to June 30, 1999 to be used for the purposes of this Act.

Sec. B-3. Authorization for reimbursement of costs associated with contract resolution. The Department of Administrative and Financial Services may be reimbursed from the special accounts funded by this Act for the costs of contract resolution, administration, implementation and other costs required by the process of collective bargaining and negotiation procedures.

Sec. B-4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1996-97	1997-98	1998-99
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF			

Salary Plan

Personal Services	\$180,775	\$188,176	\$381,410
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Sec. B-5. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1996-97	1997-98	1998-99
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF			

Salary Plan

Personal Services	\$2,500	\$6,100	\$12,300
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 16, 1997.

CHAPTER 12**H.P. 234 - L.D. 298**

**An Act to Establish the
Administrative Operating Budget for
the Maine State Retirement System
for the Fiscal Year Ending June 30,
1998**

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 Maine State Retirement System will become due and payable before the 90-day period may terminate; 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. Allocation of funds. Administrative operating expenses of the Maine State Retirement System for the fiscal year ending June 30, 1998 must be paid from the system's expense fund in accordance with the following schedule.

1997-98

**MAINE STATE
RETIREMENT SYSTEM**

Personal Services	\$4,883,864
All Other	2,569,350

**MAINE STATE
RETIREMENT SYSTEM**

TOTAL	\$7,453,214
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Sec. 2. Attribution of costs. The expenses identified in section 1 of this Act are attributed as follows.

1997-98

General Fund	\$4,530,063
Non-General Fund	1,651,706

Participating Local District and Other	1,271,445
TOTAL	\$7,453,214

Sec. 3. Transfers of allocations; year-end balances. Transfers of allocations and carry forwards of unexpended balances must be carried out in accordance with the Maine Revised Statutes, Title 5, section 17103, subsection 13.

Sec. 4. Collective bargaining agreements approval. As required by the Maine Revised Statutes, Title 5, section 17103, subsection 14, collective bargaining agreements covering fiscal year 1997-98 to fiscal year 1999-2000 between the Maine State Retirement System and the Maine State Employees Association for the retirement system's administrative services, professional-technical and supervisory bargaining units are approved. The allocations made in section 1 of this Act and the attributions made in section 2 of this Act include the amounts required to fund the collective bargaining agreements in fiscal year 1997-98. The amounts required to fund the collective bargaining agreements in fiscal year 1998-99 must be included in the retirement system's administrative operating budget for that fiscal year and be approved by the Legislature. Amounts required to fund the collective bargaining agreements in fiscal year 1999-2000 are subject to a specific appropriation request to be submitted to the 119th Legislature for review and approval.

Sec. 5. Authorization to expend retirement system reserve administrative operating funds.

1. Fiscal year 1997-98 reserve funds. Of the amount authorized to be expended in section 1 of this Act, \$500,000 for the administrative costs of the retirement system associated with the teachers' retirement program must be provided from the system's reserve administrative operating funds and \$131,251 to fund the system's collective bargaining agreements in fiscal year 1997-98 must be provided from the system's reserve administrative operating funds.

2. Administrative records automation project. In addition to the amount authorized to be expended in section 1 of this Act, the retirement system is authorized to expend from its reserve administrative operating funds up to \$1,200,000 for the purpose of establishing and operating a project, staffed on a temporary basis, for the primary purposes of becoming better prepared to meet potential administrative impacts that may result from decisions of the federal courts in Parker v. Wakelin and Dzialo v. Perrier and of improving and expediting the retirement system's

long-term program to automate its data receipt, retention, retrieval and processing operations.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1997.

Effective July 1, 1997.

CHAPTER 13

S.P. 158 - L.D. 487

An Act Concerning the Charter of the Northern Maine Development Commission, Inc.

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

Whereas, delay in the repeal of the charter of the Northern Maine Development Commission, Inc. would interfere with administration of the Northern Maine Development Commission, Inc.; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Northern Maine Development Commission, Inc.; 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. P&SL 1989, c. 89, as amended by P&SL 1993, c. 23, §§1 to 12, is repealed.

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

Effective April 25, 1997.

CHAPTER 14

H.P. 384 - L.D. 529

An Act to Conform the Lien Procedures Within the Charter of Boothbay Harbor Sewer District to Statutory Lien Procedures