

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

service allocation to be calculated in accordance with state law.

The voters shall indicate their opinion on the question by a cross or check mark placed beside the word "Yes" or "No."

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

Effective May 13, 1997, unless otherwise indicated.

CHAPTER 23

S.P. 640 - L.D. 1862

An Act to Fund the Collective Bargaining Agreement for the Maine State Police Bargaining Unit

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 a state collective bargaining agreement will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of a collective bargaining agreement negotiated by the executive branch that require legislative action; and

Whereas, the Governor and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining; 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. There is appropriated in Part B of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$56,000 for the fiscal year ending June 30, 1997; in the amount of \$62,000 for the fiscal year ending June 30, 1998; and in the amount of \$126,000 for the fiscal

year ending June 30, 1999 to implement the economic terms of the collective bargaining agreement made by the State and the Maine State Troopers Association for the state police bargaining unit.

Sec. A-2. Costs to the Highway Fund. There is allocated in Part B of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$168,000 for the fiscal year ending June 30, 1997; in the amount of \$93,000 for the fiscal year ending June 30, 1998; and in the amount of \$189,000 for the fiscal year ending June 30, 1999 to fund salary and benefit changes of the collective bargaining agreement made by the State and the Maine State Troopers Association for the state police bargaining unit.

Sec. A-3. Special account funding. Funding provided by this Act 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 the Highway Fund must be funded whenever possible from those other sources.

Sec. A-4. Lump-sum payment. A lump-sum payment equal to 2.25% of the employee's base rate paid for the first 26 paychecks in calendar year 1996 must be paid to each employee included in the state police bargaining unit, consistent with the terms of the collective bargaining agreement. This sum may not be considered earnable compensation under the Maine State Retirement System.

Sec. A-5. Adjustment of salary schedules for fiscal year 1997-98. Effective at the beginning of the pay week commencing closest to July 1, 1997, the salary schedules for employees in the state police bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreement.

Sec. A-6. Adjustment of salary schedules for fiscal year 1998-99. Effective at the beginning of the pay week commencing closest to July 1, 1998, the salary schedules for employees in the state police bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreement.

Sec. A-7. New employees; similar and equitable treatment. Employees in classifications included in the state police bargaining unit 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

may not receive any lump-sum payment provided in section 4 of this Part.

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 year 1996-97, fiscal year 1997-98 and fiscal year 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 and 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	\$56,000	\$62,000	\$126,000

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	\$168,000	\$93,000	\$189,000

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

Effective May 15, 1997.

CHAPTER 24

H.P. 795 - L.D. 1083

An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation

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

Sec. 1. P&SL 1927, c. 43, §7-A, 5th ¶, as enacted by P&SL 1983, c. 42, §7, is amended to read:

Commencing at the 1984 summer meeting and for even-numbered years thereafter, a nonresident voter shall be elected to serve a 3-year term as overseer. Commencing at the 1985 summer meeting and for odd-numbered years thereafter, a resident voter shall be elected to serve a 3-year term as an overseer. Commencing at the 1997 summer meeting and for each year after the 1997 summer meeting, any legal voter of the village corporation may be elected for a 3-year term as an overseer if the election of that overseer does not place all resident or nonresident overseers in office at the same time. A person may run for the office of overseer for as many terms as that person is nominated. At the first Board of Overseers' meeting following each summer meeting, they shall choose a ~~chairman~~ chair for the ensuing year.

See title page for effective date.

CHAPTER 25

H.P. 608 - L.D. 833

An Act to Amend the Charter of Foxcroft Academy

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

Whereas, the dissolution of the joint board comprised of representatives of the local school administrative district board and the Trustees of Foxcroft Academy has returned full responsibility for the oversight of Foxcroft Academy to the Trustees of Foxcroft Academy; and

Whereas, recent initiatives to develop a long-range strategic plan, enhance the academy's educa-