

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
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**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

**CHAPTER 34****S.P. 848 - L.D. 2248****An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excepted from Collective Bargaining for the Judicial Branch**

**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 agreements for the judicial branch will become due and payable immediately; and

**Whereas,** it is the responsibility of the Legislature to act upon the portions of the collective bargaining agreement negotiated by the judicial 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 judicial branch employees excepted 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. Adjustment of salary schedule for fiscal year 1999-00.** Effective at the beginning of the pay week commencing closest to July 1, 1999, the salary schedule for the employees of the Judicial Department in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit must be adjusted by 3%, consistent with the terms of the collective bargaining agreements.

**Sec. A-2. Adjustment of salary schedule for fiscal year 2000-01.** Effective at the beginning of the pay week commencing closest to July 1, 2000, the salary schedule for the employees of the Judicial Department in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreements.

**Sec. A-3. Addition of new step for fiscal year 2000-01.** Effective at the beginning of the pay period commencing closest to April 1, 2001, the salary schedule for the employees of the Judicial Department in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit must be adjusted by eliminating the first step and adding a new top step so that employees are paid at the new rates to which they are assigned in the modified salary schedule, consistent with the terms of the collective bargaining agreements.

**Sec. A-4. Other employees; similar and equitable treatment.** Employees of the Judicial Department in classifications included in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit, but who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, F and G, must be given equitable treatment on a pro rata basis similar to that treatment given employees covered by collective bargaining agreements.

**PART B**

**Sec. B-1. Definition of excepted employees.** For the purposes of this Part, "excepted employees" means the employees within the Judicial Department who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, D and E, other than those referred to in Part A, section 4 of this Act.

**Sec. B-2. Adjustment of salary schedule for fiscal year 1999-00.** Effective at the beginning of the pay week commencing closest to July 1, 1999, the salary schedule for excepted employees must be adjusted by 3%.

**Sec. B-3. Adjustment of salary schedule for fiscal year 2000-01.** Effective at the beginning of the pay week commencing closest to July 1, 2000, the salary schedule for excepted employees must be adjusted by 2%.

**Sec. B-4. Addition of new step for fiscal year 2000-01.** Effective at the beginning of the pay week commencing closest to January 1, 2001, the salary schedule for excepted employees must be adjusted by eliminating the first step and adding a new top step so that employees are paid at the new rates to which they are assigned in the modified salary schedule.

**PART C**

**Sec. C-1. Costs to the General Fund.** Costs to the General Fund must be provided in the

Salary Plan program, referred to in section 2 of this Part, in the amount of \$337,000 for the fiscal year ending June 30, 2000 and in the amount of \$732,000 for the fiscal year ending June 30, 2001, to implement the economic terms of the collective bargaining agreements made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit and for the costs of those Judicial Department employees excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, D, E, F and G.

**Sec. C-2. Transfer from the Salary Plan program and special account funding.** The Salary Plan program in the Department of Administrative and Financial Services may be made available as needed through allotment by financial order, upon the recommendation of the State Budget Officer and approval of the Governor, to be used for the implementation of collective bargaining agreements for employees of the Judicial Department in fiscal years 1999-00 and 2000-01. Positions supported from sources other than the General Fund must be funded whenever possible from those other sources.

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

Effective June 9, 1999.

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## CHAPTER 35

H.P. 621 - L.D. 861

### **An Act to Create a Seamless Treatment Plan for the Adult Offender with Substance Abuse Problems**

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

**Whereas,** substance abuse is a serious problem that affects the majority of adults who become part of the population of the Department of Corrections; and

**Whereas,** comprehensive substance abuse treatment may help reduce the rate of recidivism for many prisoners; and

**Whereas,** creating and implementing a comprehensive substance abuse treatment plan as soon as possible is in the best interest of those in the custody of the Department of Corrections, as well as the public; 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. Comprehensive substance abuse treatment program for adult offenders in the Department of Corrections.** The Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse shall take action to create, implement and operate a comprehensive residential substance abuse treatment program for adults committed to the custody of the Department of Corrections. The program must include uniform clinical assessment of prisoners to identify substance abuse problems, to ensure access to the program that facilitates participation of the prisoner and the prisoner's family and to provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion. In formulating its treatment program, the department may consider other states' model programs, including the State of New York Department of Correctional Services "Stay'n Out" therapeutic community program.

**Sec. 2. Report.** The Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse shall present a proposal to implement and fund the comprehensive substance abuse treatment program to the Joint Standing Committee on Criminal Justice by May 1, 1999. The proposal must also include a plan for annual reporting to the Joint Standing Committee on Criminal Justice on the progress in implementing and providing substance abuse treatment programs.

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

Effective June 10, 1999.

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## CHAPTER 36

H.P. 1533 - L.D. 2186

### **An Act to Authorize York County to Hold Bond Referenda for New County Facilities**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional