

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

D. Except as provided in paragraph C but notwithstanding any other provision of law, does not constitute and may not be reported as a part of the premium as defined in Title 24-A, section 2403; and

E. Must be paid as provided for insurance premium taxes as specified in Title 36, section 2521-A, except that the assessment must be paid on an estimated basis at the end of each month, starting July 31, 2001 and ending June 30, 2002, with each installment equal to at least 1/12 of the estimated total assessment for the fiscal year that begins July 1, 2001.

**2. Notification.** A fire insurance company or association subject to this section shall notify each policyholder that the premium includes a special assessment to provide funding for the State Fire Marshal. This notification must accompany the premium notice.

**3. Fund.** The State Tax Assessor shall pay over all receipts from the special assessment to the Treasurer of State daily. The Treasurer of State shall deposit all special assessments collected pursuant to this section into a separate nonlapsing fund that must be used solely to defray the expenses incurred by the Commissioner of Public Safety in administering all fire preventative and investigative laws and rules and in educating the public in fire safety and to carry out the administration and duties of the Office of the State Fire Marshal. All interest earned on the fund must be paid to the fund.

**Sec. 8. Retroactivity.** This Act applies retroactively to June 1, 2001.

**Sec. 9. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
<b>Fire Marshal - Office of</b>		
Personal Services	\$202,675	\$202,675
All Other	107,496	124,861
Capital Expenditures	240,000	260,000
Allocates additional funds to cover increased operating costs.		
<b>DEPARTMENT OF PUBLIC SAFETY</b>		
<b>TOTAL</b>	\$550,171	\$587,536

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

Effective June 20, 2001.

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**CHAPTER 438**

**H.P. 1381 - L.D. 1829**

**An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excluded from Collective Bargaining**

**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 state collective bargaining agreements will become due and payable immediately; and

**Whereas,** it is the responsibility of the Legislature to act upon those portions of collective bargaining agreements negotiated by the executive branch and 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 state employees excluded from collective bargaining units; 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 General Fund.** Costs to the General Fund must be provided in the Salary Plan program, referred to in Part C, section 1 of this Act, in the amount of \$9,882,391 for the fiscal year ending June 30, 2002 and in the amount of \$16,514,688 for the fiscal year ending June 30, 2003 to implement the economic terms of the collective bargaining agreements, including market and pay equity adjustments and benefits, made between the State and the Maine State Employees Association and the Maine State Troopers Association and, notwithstanding the Maine Revised Statutes, Title 26, section 979-D, subsection

1, paragraph E, subparagraph (3), for confidential employees.

**Sec. A-2. Costs to Highway Fund.** Costs to the Highway Fund must be provided in the Salary Plan program, referred to in Part C, section 1 of this Act, in the amount of \$3,722,039 for the fiscal year ending June 30, 2002 and in the amount of \$6,699,146 for the fiscal year ending June 30, 2003 to implement the economic terms of the collective bargaining agreements, including market and pay equity adjustments and benefits, made between the State and the Maine State Employees Association and the Maine State Troopers Association and, notwithstanding the Maine Revised Statutes, Title 26, section 979-D, subsection 1, paragraph E, subparagraph (3), for confidential employees.

**Sec. A-3. Adjustment of salary schedules for fiscal year 2001-02.** Effective at the beginning of the pay week commencing closest to July 1, 2001, the salary schedules for employees referred to in sections 1 and 2 of this Part must be adjusted by 3%.

**Sec. A-4. Adjustment of salary schedules for fiscal year 2002-03.** Effective at the beginning of the pay week commencing closest to July 1, 2002, the salary schedules for employees referred to in sections 1 and 2 of this Part must be adjusted by 2%.

**Sec. A-5. Adjustment of salary schedules for fiscal year 2002-03.** Effective at the beginning of the pay week commencing closest to January 1, 2003, the salary schedules for employees in sections 1 and 2 of this Part must be adjusted by 2%.

**Sec. A-6. New employees; similar and equitable treatment.** Employees in classifications included in bargaining units referred to in sections 1 and 2 of this Part 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 equitable treatment on a pro rata basis similar to that treatment given employees covered by the collective bargaining agreements.

**Sec. A-7. Confidential employees; similar and equitable treatment.** Confidential employees must be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreements. For the purposes of this Part, "confidential employees" means those employees within the executive branch, including probationary employees, who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.

**Sec. A-8. Employees' salaries subject to Governor's adjustment or approval.** The Governor is authorized to grant similar and equitable

treatment consistent with this Act for those unclassified employees whose salaries are subject to the Governor's adjustment or approval.

**Sec. A-9. Employees of legislative branch.** The Legislative Council may approve salary and benefit increases for employees within the legislative branch, including constitutional officers and the State Auditor, not subject to collective bargaining.

## PART B

**Sec. B-1. Adjustment of salary schedules for fiscal year 2001-02.** Effective at the beginning of the pay week commencing closest to July 1, 2001, the salary schedules for the employees of the Judicial Department in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit and employees referred to in sections 4 and 5 of this Part must be adjusted by 3%. Employees referred to in section 5 of this Part must also receive miscellaneous step adjustments.

**Sec. B-2. Adjustment of salary schedules for fiscal year 2002-03.** Effective at the beginning of the pay week commencing closest to July 1, 2002, the salary schedules for employees of the Judicial Department in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit and employees referred to in sections 4 and 5 of this Part must be adjusted by 2%.

**Sec. B-3. Adjustment of salary schedules for fiscal year 2002-03.** Effective at the beginning of the pay period commencing closest to January 1, 2003, the salary schedules for the employees of the Judicial Department in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit and employees referred to in sections 4 and 5 of this Part must be adjusted by 2%.

**Sec. B-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 similar and equitable treatment on a pro rata basis similar to that treatment given employees covered by the collective bargaining agreements.

**Sec. B-5. Excepted employees; similar and equitable treatment.** 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 section 4 of this Part, and who must be given similar and equitable treatment on a pro rata basis similar to that treatment given employees covered by the collective bargaining agreements.

**Sec. B-6. Costs to General Fund.** Costs to the General Fund must be provided in the Salary Plan program, referred to in Part C, section 1 of this Act, in the amount of \$430,412 for the fiscal year ending June 30, 2002 and in the amount of \$925,565 for the fiscal year ending June 30, 2003 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, notwithstanding the Maine Revised Statutes, Title 26, section 1285, subsection 1, paragraph E, for the costs of those Judicial Department employees excluded from collective bargaining pursuant to Title 26, section 1282, subsection 5, paragraphs C, D, E, F and G.

**PART C**

**Sec. C-1. Transfer from Salary Plan and special account funding.** 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 approval of the Governor to be used for the implementation of collective bargaining agreements for state employees and for other economic items contained in this Act in fiscal year 2001-02 and fiscal year 2002-03. 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. C-2. Authorization for reimbursement of costs associated with contract resolution.** The Department of Administrative and Financial Services may be reimbursed from the Salary Plan program for the costs of contract resolution, administration, implementation and other costs required by the process of collective bargaining and negotiation procedures.

**PART D**

**Sec. D-1. 5 MRSA §8,** as amended by PL 1999, c. 454, Pt. E, §1, is further amended to read:

**§8. Mileage allowance**

The State shall pay for the use of privately owned automobiles for travel by employees of the State in the business of the State such reimbursement as agreed to between the State and their certified or recognized bargaining agent. For employees and state

officers and officials not subject to any such agreement, the State shall pay ~~24¢ per mile effective July 1, 1998, 26¢ per mile effective January 1, 2000 and 28¢ per mile effective January 1, 2001~~ 30¢ per mile effective July 1, 2001 and 32¢ per mile effective July 1, 2002 for miles actually traveled on state business. The Governor may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles are available.

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

Effective June 20, 2001.

**CHAPTER 439**

**H.P. 655 - L.D. 855**

**An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for Fiscal Years Ending June 30, 2002 and June 30, 2003**

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

**PART A**

**Sec. A-1. Supplemental appropriations and allocations.** There are appropriated and allocated from various funds for the fiscal years ending June 30, 2002 and June 30, 2003, to the departments listed, the following amounts.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Central Motor Pool**

New Initiative: Provides funding for 2 positions in Central Fleet Management. An Auto Mechanic II position and a Fleet Support Specialist position are required to prepare vehicles, manage maintenance and process new, used and surplus vehicles.

<b>Central Motor Pool Fund</b>	<b>2001-02</b>	<b>2002-03</b>
Positions - Legislative Count	(2,000)	(2,000)
Personal Services	\$62,158	\$64,992
All Other	8,966	8,357
<b>Total</b>	<b>71,124</b>	<b>73,349</b>

**Central Services - Purchases**