

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**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**  
**2002**

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**PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTIETH  
LEGISLATURE  
2001**

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**CHAPTER 44**

**H.P. 1554 - L.D. 2057**

**An Act to Fund the Collective  
Bargaining Agreements and Benefits  
of State Employees Who are  
Members of the American  
Federation of State, County and  
Municipal Employees, Council No. 93**

**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 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 General Fund.** Costs to the General Fund are provided in the salary plan program referred to in Part B, section 1 of this Act to cover the costs to the General Fund in the amount of \$1,232,965 for the fiscal year ending June 30, 2002 and in the amount of \$3,612,439 for the fiscal year ending June 30, 2003 to implement the economic terms of the collective bargaining agreement made by the State and the American Federation of State, County and Municipal Employees, Council #93, including market and pay equity adjustments and benefits.

**Sec. A-2. Lump-sum payment.** Employees employed by the State on February 1, 2002 must

receive a 3% lump-sum payment for the period beginning from the start of the pay week commencing closest to July 1, 2001 through January 12, 2002 consistent with the terms of the collective bargaining agreement.

**Sec. A-3. Adjustment of salary schedules for fiscal year 2001-02.** Effective at the beginning of the pay week commencing closest to January 13, 2002, the salary schedules for employees in section 1 of this Part must be adjusted by 3% consistent with the terms of the collective bargaining agreement.

**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 in section 1 of this Part must be adjusted by 2% consistent with the terms of the collective bargaining agreement.

**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 section 1 of this Part must be adjusted by 2% consistent with the terms of the collective bargaining agreement.

**Sec. A-6. Additional step in salary schedule.** Effective January 1, 2003, a new step 7 at 3% above the current highest step of the salary schedule is added as a market pay adjustment to be implemented consistent with the terms of the collective bargaining agreement.

**Sec. A-7. New employees; similar and equitable treatment.** Employees in classifications included in bargaining units in section 1 of this Part 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.

**PART B**

**Sec. B-1. Transfer from 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 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 must be funded whenever possible from those other sources.

**Sec. B-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.

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

Effective January 15, 2002.

**CHAPTER 45**

**S.P. 751 - L.D. 2085**

**An Act Relating to the Transfer to GNE, LLC of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc.**

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

**Whereas,** the State has granted certain rights, privileges, immunities and franchises to Great Northern Paper, Inc. and its predecessors in interest, through a series of private and special laws, including, but not limited to, the authority to build, own, operate and maintain paper production facilities and to construct, own and operate dams and hydroelectric and related facilities for the purpose of generating and transmitting electricity; and

**Whereas,** there is ambiguity regarding the extent to which the rights, privileges, immunities and franchises granted by the State to Great Northern Paper, Inc. and its predecessors in interest, other than those otherwise granted to a corporation under the Maine Revised Statutes, Title 13-A, are transferable or deemed to be transferable in connection with the sale or other conveyance by Great Northern Paper, Inc., or its successors in interest, of its dams and hydroelectric and related facilities located in the State; and

**Whereas,** the waters of the State of Maine are owned in perpetuity by the State in trust for the people of the State; and

**Whereas,** Great Northern Paper, Inc. has entered into an agreement to sell its dams and hydroelectric and related facilities, with an anticipated closing in January 2002; and

**Whereas,** the sale of the dams and hydroelectric and related facilities will benefit the pulp and paper production and related facilities that are located in the towns of Millinocket and East Millinocket, and the Katahdin region will benefit from the operation of and capital investment, both present and future, in the dams and hydroelectric and related facilities; and

**Whereas,** the Legislature finds that the Katahdin region will benefit by an increase in the electric transmission line capacity serving the region; and

**Whereas,** GNE, LLC intends to seek permits to invest approximately \$92,000,000 over 20 years to improve the dams and hydroelectric and related facilities and to seek permits expeditiously to invest approximately \$16,000,000 to increase to 130 megawatts the electric transmission line capacity connected to the dams and hydroelectric and related facilities and serving the Katahdin region; and

**Whereas,** the sale of the dams and hydroelectric and related facilities will result in a capital gain to Great Northern Paper, Inc., on which it will pay state income tax; 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. Authority to transfer corporate rights.** Great Northern Paper, Inc. and its assigns, designees, transferees and any other successors to any of the rights, privileges, immunities or franchises that have been granted by private and special law to Great Northern Paper, Inc. and its predecessors in interest, may, in connection with the sale, mortgage or other conveyance of any interest in its dams and hydroelectric and related facilities, referred to in this Act as "hydropower facilities," sell or transfer any such rights, privileges, immunities or franchises related to the hydropower facilities and, notwithstanding any private and special law to the contrary, but subject to all other applicable provisions of law, including, but not limited to, the Maine Revised Statutes, Title 35-A, sell or transfer and transmit electricity to any 3rd parties. Nothing in this paragraph may be construed to affect or limit any rights, privileges, immunities or franchises granted by private and special law to or