

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

PART G

Sec. G-1. Report on strategies to address the State's transportation infrastructure deficit. The Commissioner of Transportation shall prepare and deliver to the joint standing committee of the Legislature having jurisdiction over transportation matters by February 15, 2005 a report containing research findings and recommendations regarding strategies to address the State's transportation infrastructure deficit including all modes of travel. These strategies should not rely on significant revisions to existing laws that establish constitutionally protected Highway Fund revenues. These strategies should include, but need not be limited to, expanded use of public-private and state-municipal partnerships, revision of match requirements to stretch existing federal funding, expanded use of tolling, new or expanded collaboration with the Maine Turnpike Authority and other local or regional transportation agencies, innovative cash management and financing and increased coordination with economic development agencies.

PART H

Sec. H-1. Transfer authorized. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for the fiscal year ending June 30, 2004, the Commissioner of Transportation is authorized to transfer, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, identified Personal Services Highway Fund savings to any other program or line category within the Highway Fund to cover any nonrecurring program costs. The financial order must identify the specific savings in Personal Services after assuming all costs for that program including collective bargaining costs. The Commissioner of Transportation shall provide a report by September 15, 2004 to the members of the Joint Standing Committee on Transportation detailing the financial adjustments to the Highway Fund.

PART I

Sec. I-1. Transfer of Highway Fund unallocated balance to Highway and Bridge Improvement, Department of Transportation. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, at the close of fiscal year 2003-04, the State Controller shall transfer amounts exceeding \$1,599,068 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Highway and Bridge Improvement program, Highway Fund account in the Department of Transportation. The Commissioner of Transportation

is authorized to allot these funds by financial order upon the recommendation of the State Budget Officer and the approval of the Governor. Within 30 days of approval of the financial order, the Commissioner of Transportation shall provide to the members of the Joint Standing Committee on Transportation a report detailing the financial status of the Highway and Bridge Improvement program.

PART J

Sec. J-1. Allocations. The following funds are allocated from the Highway Fund.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Departments and Agencies - Statewide 0016

Initiative: Allocates funds to offset the deallocation made in Public Law 2003, chapter 20, Part B regarding savings to the State for the cost of health insurance through increasing MaineCare rates for hospital inpatient services to the upper payment limit.

Highway Fund	2003-04	2004-05
Personal Services	\$0	\$4,818,560
Highway Fund Total	\$0	\$4,818,560

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

Effective May 6, 2004, except as otherwise indicated.

CHAPTER 691

S.P. 806 - L.D. 1961

An Act To Clarify Legislative Pay

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

Sec. 1. 3 MRSA §2, 6th ¶, as amended by PL 1989, c. 501, Pt. O, §§3 and 22, c. 600, Pt. B, §§9 and 10 and c. 878, Pt. D, §§14 and 15, is further amended to read:

In addition to the salary paid for the first and 2nd regular sessions of the Legislature, when a special session is called, the members of the Senate and House of Representatives ~~shall~~ must each be compensated \$100 for every day's attendance, expenses and mileage pursuant to this section; except that if a special session is called during the time period specified in this section for a first regular session or 2nd regular session, the special session per diem does not apply.

Sec. 2. Retroactivity. This Act applies retroactively to January 30, 2004.

See title page for effective date.

CHAPTER 692

S.P. 618 - L.D. 1686

An Act To Encourage Cost Savings by State Employees

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

Sec. 1. 5 MRSA c. 56-A is enacted to read:

CHAPTER 56-A

EMPLOYEE AWARDS

§651. Employee Suggestion System

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means the Employee Suggestion System Board established in subsection 3.

B. "System" means the Employee Suggestion System established in subsection 2.

2. System established. The Employee Suggestion System is established to encourage by means of cash or honorary awards state employees to find substantial savings and efficiencies in state operations.

3. Board. The Employee Suggestion System Board is established and consists of the Commissioner of Administrative and Financial Services and 2 other departmental commissioners appointed by the Governor.

A. The board shall elect a chair annually.

B. The Commissioner of Administrative and Financial Services is responsible for administering the system and shall assign an employee, who may have other assignments not related to the system, to manage the system on a day-to-day basis.

C. The board may adopt routine technical rules in accordance with chapter 375, subchapter 2-A to implement the system, including criteria for suggesting ideas and making awards, and to establish fees as the board considers necessary to ensure timely and responsive assistance from all state agencies.

D. The board has the sole and exclusive authority to make cash or honorary awards under the system. All decisions of the board are final and are not subject to judicial review.

E. The board shall forward all suggestions to the Office of Program Evaluation and Government Accountability, as established by Title 3, section 991, a minimum of 2 times per year.

4. Ineligible employees. The board may exclude certain levels of positions from participation in the system. Persons in positions enumerated in chapter 71 or in Title 2, sections 6 to 6-E are not eligible to receive cash awards under the system.

5. Maximum cash award; cost savings. The maximum cash award approved for a suggestion that is implemented and results in cost savings is limited to 10% of the first year's estimated All Other savings or \$2,000, whichever is less. Except as provided in subsection 6, an award may not be made for any suggested savings of less than \$250. Any cash awards approved by the board must be charged against the fund or funds to which estimated savings apply. If it is not possible to reasonably estimate the savings, the board may pay an initial amount and pay an additional amount at the end of the first year or may pay the full amount at the end of the first year.

6. Improvements to service without cost savings. Upon the recommendation of the agency head of the affected program, the board may approve an award not to exceed \$100 for a suggestion that results in improved services or operation of the program but does not result in identifiable cost savings.

7. Reductions in service. An award may not be approved by the board for a suggestion that generates savings through a reduction of services, unless it is an identified duplication of services.

8. Confidentiality. The name of the person with the suggestion must be treated confidentially by the board and any other person handling the suggestion until a final decision is made by the board, if requested by the person with the suggestion.

9. Assistance. Any department or other organization of State Government shall provide whatever assistance the board requests for evaluating suggestions or other purposes.

10. Administration. Notwithstanding any other law, whenever an award is made from a fund, an equal amount must be transferred from the same fund to a special revenue fund available to the Department of Administrative and Financial Services to be used to administer the system.