# MAINE STATE LEGISLATURE

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1 2 3 4	(GOVERNOR'S BILL) (EMERGENCY) FIFTH SPECIAL SESSION
5 6	ONE HUNDRED AND TENTH LEGISLATURE
7 8	Legislative Document No. 2153
9	H. P. 2421 House of Representatives, May 13, 1982 Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.  EDWIN H. PERT, Clerk
10	Presented by Representative Pearson of Old Town.  Cosponsor: Representative C. W. Smith of Mars Hill.
11	
12 13	STATE OF MAINE
14 15 16	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-TWO
17 18 19 20	AN ACT to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Other State and Judicial Employees.
21 22 23	Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
24 25	Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and $% \left( 1\right) =\left( 1\right) ^{2}$
26 27 28	Whereas, certain obligations and expenses incident to the operation of state collective bargaining agreements will become due and payable immediately; and
29 30 31	Whereas, it is the responsibility of the Legislature to act upon those portions of tentative collective bargaining agreements negotiated by the Executive Branch which require

legislative action; and

Whereas, the Governor and the Legislature also share a desire to address the needs of other state and judicial employees; 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,

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

## 10 PART A

- Sec. 1. Appropriation from the General Fund. There is appropriated from the General Fund to a special compensation account the sum of \$3,216,500 for the fiscal year ending June 30, 1982, and \$8,897,500 for the fiscal year ending June 30, 1983. These sums are provided to implement the economic terms of the collective bargaining contracts between the State and the Maine State Employees Association for the Administrative Services, Professional and Technical Services, Operations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services bargaining units.
- Sec. 2. Special account funding. With the exception of Part C, funding provided by this Act shall 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. Except for funds appropriated to implement section 3, funds shall include retirement costs. Positions supported from sources of funding other than the General Fund shall be funded whenever practical from those other sources.
- Sec. 3. Cash payment. For the period of July 1, 1981 to April 30, 1982, a sum of 6% of base salary exclusive of overtime shall be paid to each employee included in the Administrative Services, Professional and Technical Services, Operations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services bargaining units. A like sum shall be paid on a prorated basis to each bargaining unit employee who either retired or was laid off between those dates. This sum shall not be considered earnable compensation under the Maine State Retirement System, except for the following: Any bargaining unit employee, who retires between July 1, 1981 and July 1, 1984, may pay to the Maine State Retirement System the amount of the

employee's contribution established by the Revised Statutes, section 1095, plus the amount of the state's contribution which would be payable on the 6% sum if earnable compensation; upon payment of these amounts the employee shall be entitled to consideration of the 6% purposes of average final compensation.

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- Sec. 4. Adjustment of salary schedule. Effective the pay week closest to May 1, 1982, the salary schedule for employees in the Administrative Services, Professional and Technical Services, Operations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services units shall be adjusted by 10 1/2% consistent with the terms of the collective bargaining contracts.
- Sec. 5. Adjustment of salary schedule steps of bargaining units. Effective the pay week closest to July 1, 1982, the salary schedule steps for employees in the Admin-Professional Services, Services, and Technical Operations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services bargaining units shall be adjusted consistent with the terms of the collective bargaining contracts.
- Basic group life insurance. 22 Effective the pay week closest to May 1, 1982, the State shall pay basic group 23 24 life insurance premiums for employees in the Administrative Services, Professional and Technical Services, 25 Operations, Maintenance and Support Services, Law Enforcement Services 26 and Supervisory Services bargaining units who are participants in the state's basic group plan on May 1, 1982. The 27 28 29 State shall pay basic group life insurance premiums for bargaining unit employees who enroll through established proce-30 dures on or after May 1, 1982. The State shall hold a 30-day open enrollment period starting June 1, 1982 for all 33 bargaining unit employees who wish to participate in the 34 state's basic group life insurance plan. Effective July 1, 1982, the State shall pay the premiums of basic group life 35 insurance for employees enrolled during this open enrollment 36 37 and the coverage shall be effective July 1, 1982. This provision does not diminish the right of employees to 38 39 carry additional insurance on themselves or dependents.
  - employees, New similar and equitable treatment. Employees in classifications included in the Administrative Services, Professional and Technical Services, Operations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services bargaining units, but who are excluded from collective bargaining pursuant to the Revised Statutes, Title 26, section 979-A, subsection 6,

- paragraphs E and F, shall be given similar and equitable treatment as employees covered by relevant contracts. Except for intermittent employees and nonstatus employees in acting capacity or project positions, terms shall include the 6% sum on a prorated basis.
  - Sec. 8. Carrying clause. Any balances remaining from previous salary accounts and special accounts established by this Act shall not lapse but shall be carried forward to June 30, 1983, to be expended for state employee salary increases.

# 11 PART B

- 5 MRSA §8, 2nd sentence, as amended by PL 1979, c. 739, 13 §1, is further amended to read:
- For employees and state officers and officials not subject to any such agreement, the State shall pay 20¢ 21¢ per mile effective May 1, 1982 and 22¢ per mile effective July 1, 1982 for miles actually traveled by such employees on such state business.

### 19 PART C

- Sec. 1. Repeal of previous funding and authorization of salary increases. That section of Public Law 1981, chapter 702, Part B, that provided funding and authorization to implement a salary increase to the Judicial Department employees is repealed.
- Sec. 2. Appropriations from the General Fund for the Judicial Department. There is appropriated from the General Fund to the Judicial Department for Personal Services the sum of \$161,795 for the fiscal year ending June 30, 198 and \$561,752 for the fiscal year ending June 30, 1983. Any balance remaining within the appropriation for Personal Services on June 30, 1982, shall not lapse, but shall be carried forward to meet the purposes of this Act.
- 33 Sec. 3. Implementation authorization. The Judicial 34 Department is authorized to grant its employees whose sal- 35 aries are set other than by statute salary increases and 36 benefits equivalent to those provided in Part A.

### 37 PART D

Sec. 1. Authorization to adjust expenditure levels.

The Governor is authorized to adjust the level of expenditures within the appropriations and allocations made by the

- Legislature to executive departments and agencies in order to provide the necessary additional funding required to fund Parts A and B. Notwithstanding any other provision or statute, any appropriation which would normally lapse to the General Fund on June 30, 1982, shall lapse to the Special Compensation Account and shall remain available to carry out the purposes of Parts A and B until June 30, 1983.
  - Sec. 2. Utilization of allotment reserve. Upon recommendation of the State Budget Officer, the Governor may transfer to the Special Compensation Account funds which have lapsed into the allotment reserves at the end of each of the first 3 quarters of fiscal year 1983. Financial orders describing such transfers shall be submitted by the Bureau of the Budget to the Legislative Finance Office 30 days before the transfer is to be implemented.
    - Sec. 3. Legislative intent. It is the intent of the Legislature that the authority granted in section 1 of this Part to adjust the level of expenditures and the authority granted in section 2 of this Part shall terminate as soon as the Special Compensation Account reaches a level sufficient to fund the provisions of this Act.
- Sec. 4. Termination. This Part is repealed effective 23 June 30, 1983.

24 PART E

Capital construction, repairs and improvements appropriation. Any balance of the appropriation provided in Public Law 1981, chapter 702, Part B, to the Department of Finance and Administration for Capital Construction, Repairs and Improvements remaining on June 30, 1982, shall not lapse but shall be carried forward until June 30, 1983, for the same purposes.

32 Emergency clause. In view of the emergency cited in 33 the preamble, this Act shall take effect when approved.

#### FISCAL NOTE FOR PARTS A AND B

Bargaining Unit Members Represented by the Maine State Employees Association General Fund Appropriations

38 1981-82 1982-83

1 2	Cash Sum Salary Payment July 1, 1981	\$2,510,743	
3 4	Health Insurance Payment July 1, 1981	199,655	199,655
5 6	Salary Schedule Increase May 1, 1982	1,076,910	6,600,822
7 8 9	Wages including reclassifications, reallocations, shifts and overtime May 1, 1982	49,777	298,663
10 11 12	Other benefits including meals, mileage and life insurance May 1, 1982	78,390	530,489
13 14	Salary Schedule Adjustment July 1, 1982		3,401,045
15 16 17	Other benefits including health insurance July 1, 1982		552,466
18	Comparable Worth Study		100,000
19	Subtotal	\$3,915,475	\$11,683,140
20 21	Less funding provided by Part D	698,975	2,785,640
22 23	Additional Appropriations Required	\$3,216,500	\$8,897,500
24	Highway Fund Allo	cation	
25		1981-82	1982-83
26 27	Cash Sum Salary Payment July 1, 1981	\$1,798,329	
28 29	Health Insurance Payment July 1, 1981	143,004	143,004
30 31	Salary Schedule Increase May 1, 1982	771,340	4,727,862

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1 2 3	Wages including reclassifications, reallocations, shifts and overtime May 1, 1982	35,653	213,918					
4 5 6	Other benefits including meals, mileage and life insurance May 1, 1982	56,147	379,965					
7 8	Salary Schedule Adjustment July 1, 1982		2,436,010					
9 10 11	Other benefits including health insurance July 1, 1982		467,331					
12	Subtotal	\$2,804,473	\$8,368,090					
13 14	Less funding from current allocations	2,804,473	8,368,090					
15 16	Additional Allocations Required	\$	\$					
17 18	May 1, 1982 and July 1, 1982 increases for unit members cover salary increases including retirement for these units.							
19	FISCAL NOTE FO	R PART C						
20 21		GENERAL F 1981-82	UND 1982-83					
22	JUDICIAL DEPARTMENT	\$161,795 \$561,752						
23	STATEMENT OF FACT							
24 25 26 27 28 29 30 31 32	Part A provides partial funding and full implementation for the biennium of the cost items in the collective bargaining agreements reached between the State and the Maine State Employees Association for the Administrative Services, Professional and Technical Services, Operations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services bargaining units. The remaining funding necessary for full implementation of this Act is contained in Part D.							
33 34	Section 1 provides appropriat bargaining agreements.	ions to partiall	y fund the					

1 Section 2 provides authorizing language for the 2 approval and use of the funds.

Section 3 provides for a lump sum cash settlement for bargaining unit members covering the period July 1, 1981 to April 30, 1982.

Section 4 provides for the adjustment of salary schedules by an increase of  $10\ 1/2\%$  effective the pay week closest to May 1, 1982 for bargaining unit members.

Section 5 provides for salary schedule step adjustments for bargaining unit members, yielding a step increase for all members above the first step and an assurance of a resulting minimum weekly increase of \$11.20 effective the pay week closest to July 1, 1982.

Section 6 provides for state-paid life insurance for current bargaining unit members and provides for a 30-day open enrollment for bargaining unit members not yet enrolled in the group life insurance plan.

Section 7 provides for equitable treatment of probationary and other employees in classifications in bargaining units addressed by this Act.

Section 8 provides that funds shall be carried forward.

Part B provides that employees not covered by any collective bargaining agreement are paid mileage allowance at the same rate as state employees covered by collective bargaining agreements.

Part C provides funding and authorization for the Judicial Department to provide eligible employees with salary increases and benefits equivalent to those provided in Part A.

Part D authorizes the Governor to adjust the level of state expenditures within appropriations and allocations made by the Legislature to provide the necessary additional funding required to fund this Act. It also permits the Governor to transfer balances in allotment reserves to the Special Compensation Account for the first 3 quarters of fiscal year 1983.

	Part	Ε	provi	des	that	fund	ds	appro	oriat	ted	for	Capital
2	Improveme and not la					,	1982	2 will	be	car	ried	forward