

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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superintendent or permitted to be issued under this Act. Any policy form which has been approved or permitted to be issued prior to June 1, 1984, and which meets the standards set by this Act need not be refiled for approval, but may continue to be lawfully delivered or issued for delivery in this State upon the filing with the superintendent of a list of forms identified by form number and accompanied by a certificate as to each form in the manner provided in section 2441, subsection 4.

2. **Dates extended.** The superintendent may, in his sole discretion, extend the dates in subsection 1.

Effective September 14, 1979

CHAPTER 268

S. P. 448 — L. D. 1363

AN ACT to Require Certain Out-of-state Sellers to Register Under the Maine Sales and Use Tax Law.

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

36 MRSA § 1754, sub-§ 8 is enacted to read:

8. **Other presence in State.** Every seller of tangible personal property who maintains a continuing presence of a nonsoliciting employee within the State or who makes regular or frequent delivery in this State of that property by means of its own employees or agents.

Effective September 14, 1979

CHAPTER 269

H. P. 1361 — L. D. 1597

AN ACT to Fund and Implement Agreements between the State and the Maine State Employees Association and to Fund and Implement Benefits for Managerial and other Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; 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 tentative collective bargaining agreements negotiated by the Executive Branch which 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:

Sec. 1. Appropriations and available funds. There is appropriated from the General Fund to a special compensation account the sum of \$2,829,000 for the fiscal year ending June 30, 1979 and there is made available from the Highway Fund Employees Compensation Plan the sum of \$2,358,000 for the fiscal year ending June 30, 1979 to implement the economic terms agreed to by the State of Maine and the Maine State Employees Association for the administrative services, professional and technical services, operations, maintenance and support services, law enforcement services bargaining units and supervisory services bargaining unit.

Sec. 2. Appropriations and allocation. There is appropriated from the General Fund to a special compensation account the sums of \$7,227,000 for the fiscal year ending June 30, 1980 and \$7,227,000 for the fiscal year ending June 30, 1981, to implement the economic terms agreed to by the State and the Maine State Employees Association for the administrative services, professional and technical services, operations, maintenance and support services, law enforcement services bargaining units and supervisory services.

Sec. 3. Funding. The funding provided by this Act shall include retirement costs and shall be available for all employees covered by these agreements between the State and the Maine State Employees Association, except that employees supported from sources of funding other than the General Fund shall be funded whenever possible from those sources.

Sec. 4. Special account. The funding provided shall be segregated into a special compensation account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor.

Sec. 5. Adjustment of other employees. The current state salary plan for employees in these bargaining units shall be adjusted on April 1, 1979 and July 1, 1979 to reflect the salary provisions of these negotiated agreements. The current salary plans for other employees not in any bargaining unit shall be similarly adjusted.

Sec. 6. Effect. Except as provided herein, the provisions of the agreements between the State and the Maine State Employees Association shall prevail over any other provisions of law. Notwithstanding the Maine Revised Statutes, Title 5, section 11, the State Controller is authorized to implement the salary benefits that become effective April 1, 1979 and July 1, 1979.

Sec. 7. Employees; similar and equitable treatment. Employees in classifications which are 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 pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs C and E shall be given similar and equitable treatment to employees covered by the agreements.

Sec. 8. 5 MRSA § 8, first sentence, as amended by P&SL 1975, c. 147, Part C, § 5, is repealed and the following enacted in its place:

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 18¢ per mile for miles actually traveled by such employees on such business.

Sec. 9. Unclassified employees subject to Governor's determination. With respect to individual unclassified employees whose wage rates are subject to the Governor's determination, the Governor may grant similar and equitable treatment consistent with the salary provisions agreed to in the Supervisory Services Bargaining Unit.

Sec. 10. Employees not subject to Governor's determination. With respect to classified and unclassified employees whose wage rates are not subject to determination by the Governor and not in classifications within any bargaining unit, the authorities responsible for determining the wage rates of such employees shall grant similar and equitable treatment consistent with the salary provisions agreed to in the Supervisory Services Bargaining Unit. This section shall not be construed to apply to officers and employees of the Legislative and Judicial Branches of the State of Maine or to officers whose salaries are set by the Maine Revised Statutes, Title 2, section 6-A, subsections 1 and 2 and by section 7.

Sec. 11. Carrying clause. Any balances remaining from previous salary accounts and any balances remaining from salary accounts established by this Act shall not lapse but shall carry forward to June 30, 1981.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved. Section 8 of this Act shall be applied retroactive to April 1, 1979.