

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1597**

H. P. 1361

House of Representatives, May 2, 1979

Read twice under suspension of rules and passed to be engrossed without reference to committee. Sent up for concurrence and ordered printed. Ordered sent forthwith motion to indefinitely postpone last.

EDWIN H. PERT, Clerk

Presented by Mr. Pearson of Old Town.

Cosponsor: Mr. Morton of Farmington.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**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.**

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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. Provided, however, that this section shall not, in any way, modify the legal rights of any state employee, under laws existing prior to the enactment of this legislation, with respect to the existence or absence of any legal duty to comply with any provision requiring, as a condition of employment, that state employees not members of the Maine State Employees Association pay a service fee to the Maine State Employees Association as a contribution towards the costs of the Maine State Employees Association for collective bargaining, contract administration and the adjustment of grievances nor shall this section diminish the rights of any state employee provided under the State Employees Labor Relations Act, Maine Revised Statutes, Title 26, chapter 9-B. 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.

#### STATEMENT OF FACT

This bill provides funding and implementation of the agreements reached between the State and the Maine State Employee Association (MSEA) for the administrative services, professional and technical services, operations, maintenance and support services, law enforcement services and supervisory services bargaining units and benefits for managerial, confidential and excluded employees not subject to any collective bargaining agreements.

Members of the MSEA have ratified the tentative agreements reached March 10, 1979 and March 14, 1979.

The economic features of the 4 nonsupervisory agreements are: A retroactive lump sum payment of \$15 per week for each week worked during the period from July 1, 1978 to April 1, 1979. The salary schedules are increased by \$16 a week effective April 1, 1979 and by \$15 or 6%, whichever is greater, effective July 1, 1979. The nonstandard workweek premium is increased to 16%, mileage reimbursement is raised to 18¢ per mile and in-state meal allowances are established as maximums of \$2.50 for breakfast, \$3.50 for lunch and \$7 for dinner, including gratuities. Additionally, these agreements provide, as appropriate, for uniforms and telephone allowances, standardized call-out and stand-by pay provisions and payment by the State of any increased premium for dependent coverage resulting from adoption by the board of trustees of the health insurance program of schedule "E" of Blue Shield coverage.

The economic features of the supervisory services agreement are: The retroactive lump sum payment of \$15 a week for the period from July 1, 1978 to April 1, 1979, the salary schedules are increased \$16 or 6%, whichever is greater effective April 1, 1979 and by \$15 or 6%, whichever is greater, effective July 1, 1979.

The other economic aspects are comparable to those contained in the nonsupervisory agreement.

Section 6 of this bill provides that the agreements between the State and MSEA shall prevail over other provisions of law. Some areas of the negotiated agreements impact on existing law, particularly provisions dealing with group health coverage, payroll deductions, retirement, vacations, sick leave, reclassifications and reallocations, personnel files, discipline, grievance and arbitration procedures, worker's compensation and housing for State Prison employees.

Section 6 also provides that enactment of this provision will not, in any way, modify employee rights under existing law with respect to the existence or absence of any legal duty to comply with any union security provision in the agreements. It is not the intent of this section or any other section of this bill to modify any existing laws of this State that may either permit or prohibit the inclusion, in a negotiated collective bargaining agreement on behalf of state employees, of a provision requiring, as a condition of employment, that employees not members of the labor organization pay to that organization their proportionate share of the costs of securing the benefits conferred upon all members of the bargaining unit or may either permit or prohibit the inclusion in such an agreement of a provision requiring that, as a condition of employment, employees not members of the labor organization pay a service fee equal to 80% of the labor organization membership dues as a contribution toward the costs of the labor organization for collective bargaining, contract administration and the adjustment of grievances.

The economic features covering state officers and employees not eligible for collective bargaining are comparable to the salary provisions for the supervisory unit, including the retroactive lump sum payment of \$15 per week for each week worked during the period from July 1, 1978 to April 1, 1979, salary schedule increases of \$16 or 6%, whichever is greater, effective April 1, 1979, and of \$15 or 6%, whichever is greater, effective July 1, 1979. Section 8 increases the mileage allowance for employees not subject to collective bargaining agreements to 18¢ per mile.

Excluded from eligibility for these salary increases are employees of the Legislative and Judicial Branches. Section 9 allows the Governor discretion to appropriately apply the compensation provisions applicable to managerial and confidential employees without requiring such increases for department heads and others whose salaries have recently been established.