

CORRECTED COPY October 6, 1987 (Please Destroy any copy of L.D. 1897 that does not have the notation "Corrected Copy"

(EMERGENCY) FIRST SPECIAL SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1897

S.P. 666

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In Senate, October 5, 1987

Received by the Secretary of the Senate on October 2, 1987. Referred to the Committee on Appropriations and Financial Affairs and 1,650 ordered printed pursuant to Joint Rule 14.

JOY J. O'BRIEN, Secretary of the Senate Presented by President PRAY of Penobscot. Cosponsored by Representative MURPHY of Kennebunk, Senator PERKINS of Hancock, Speaker MARTIN of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining.

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 the State and the Maine Vocational-Technical Institute System collective bargaining agreements will become due and payable immediately; and

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1 Whereas, it is the responsibility of the Legisla-2 ture to act upon those portions of tentative collec-3 tive bargaining agreements negotiated by the Execu-4 tive Branch which require legislative action; and

5 Whereas, the Governor and the Legislature also 6 share a desire to address the needs of certain state 7 employees excluded from collective bargaining units 8 on a timely basis; and

9 Whereas, it is the responsibility of the Legislature to act upon those portions of tentative collective bargaining agreements negotiated by the Executive Branch on behalf of the Maine Vocational-Technical Institute System employees which require legislative action; and

15 Whereas, the Governor and the Legislature also 16 share a desire to address the needs of certain state 17 and vocational-technical institute system employees 18 excluded from collective bargaining units on a timely 19 basis; and

20 Whereas, in the judgment of the Legislature, 21 these facts create an emergency within the meaning of 22 the Constitution of Maine and require the following 23 legislation as immediately necessary for the preser-24 vation of the public peace, health and safety; now, 25 therefore,

26 Be it enacted by the People of the State of Maine as 27 follows:

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PART A

29 Costs to the General Fund. Sec. l. There is appropriated in Part G of this Act funding sufficient 30 when combined with other available funds to cover the 31 32 costs to the General Fund in the amount of \$4,552,375 33 for the fiscal year ending June 30, 1988, and the amount of \$10,574,353 for the fiscal year ending June 34 30, 1989, to implement the economic terms of the col-35 36 lective bargaining agreements agreed to by the State 37 and the Maine State Employees Association for the Ad-38 ministrative Services Bargaining Unit, the Superviso-39 ry Services Bargaining Uniting the Professional and

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Technical Services Bargaining Unit, the Law Enforcement Services Bargaining Unit, and the Operations, Maintenance and Support Services Bargaining Unit.

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42 43 Sec. 2. Costs to the Highway Fund. There is allocated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$2,178,255 for the fiscal year ending June 30, 1988, and in the amount of \$5,358,415 for the fiscal year ending June 30, 1989, to fund salary and benefit changes of the collective bargaining agreements agreed to by the State and the Maine State Employees Association for the Administrative Services Bargaining Unit, the Supervisory Services Bargaining Unit, the Law Enforcement Services Bargaining Unit, and the Operations, Maintenance and Support Services Bargaining Unit.

Sec. 3. Special account funding. 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. The funds shall include retirement costs. Positions supported from sources of funding other than the General Fund and Highway Fund shall be funded whenever possible from those other sources.

Sec. 4. Adjustment of salary schedule for fiscal year 1988. Effective at the beginning of the pay week commencing closest to July 1, 1987, the salary schedule for employees in the Administrative Services Bargaining Unit, the Supervisory Services Bargaining Unit, the Professional and Technical Services Bargaining Unit, the Law Enforcement Services Bargaining Unit, and the Operations, Maintenance and Support Services Bargaining Unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreements.

Sec. 5. Adjustments of salary schedule for fiscal year 1989. Effective at the beginning of the pay week commencing closest to July 1, 1988, the salary schedule for the employees in the Administrative Services Bargaining Unit, the Supervisory Services Bargaining Unit, the Professional and Technical Services Bargaining Unit, the Law Enforcement Services Bar-

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1 gaining Unit, and the Operations, Maintenance and 2 Support Services Bargaining Unit shall be adjusted by 3 consistent with the terms of the collective bar-38 4 gaining agreements. Effective at the beginning of 5 the pay week commencing closest to January 1, 1989, 6 these salary schedules shall again be adjusted by 3% 7 consistent with the terms of the collective bargain-8 ing agreements.

9 Sec. 6. New employees; similar and equitable 10 Employees in classifications included in treatment. 11 the Administrative Services Bargaining Unit, the Su-12 pervisory Services Bargaining Unit, the Professional 13 and Technical Services Bargaining Unit, and the Oper-14 ations, Maintenance and Support Services Bargaining Unit, but who are excluded from collective bargaining 15 16 pursuant to the Maine Revised Statutes, Title 26, 17 section 979-A, subsection 6, paragraphs E and F, be given similar and equitable treatment on a 18 shall 19 pro rata basis to that given employees covered by the 20 collective bargaining agreements, except that 21 nonstatus employees in acting capacity, intermittent or project positions shall receive pay increases pro-22 23 vided by this Act prospectively only and shall not 24 receive any retroactive payment.

PART B

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26 Sec. 1. Costs to the General Fund. There is ap-27 propriated in Part G of this Act funding sufficient when combined with other available funds to cover the 28 29 costs to the General Fund in the amount of \$1,277,555 30 for the fiscal year ending June 30, 1988, and in the amount of \$3,050,840 for the fiscal year ending June 31 32 30, 1989, to implement the economic terms of the col-33 lective bargaining agreements agreed to by the State and the American Federation of State, County and Mu-34 35 nicipal Employees - Council #93 for the Institutional Services Bargaining Unit. 36

37 Special Account Funding. Funding Sec. 2. pro-38 vided by this Act shall be segregated into a special 39 account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor. The funds shall include re-40 41 42 tirement costs. Positions supported from sources of 43 funding other than the General Fund shall be funded 44 whenever possible from those other sources.

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Sec. 3. Adjustments of salary schedule for fiscal year 1988. Effective at the beginning of the pay week commencing closest to July 1, 1987, the salary schedule for employees in the Institutional Services Bargaining Unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreement.

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Adjustments of salary schedule for fis-Sec. 4. cal year 1989. Effective at the beginning of the pay week commencing closest to July 1, 1988, the salary schedule for employees in the Institutional Services Bargaining Unit shall be adjusted by 3% consistent with the terms of the collective bargaining agree-Effective at the beginning of the pay week ment. commencing closest to January 1, 1989, this salary schedule shall again be adjusted by 3% consistent with the terms of the collective bargaining agreement.

Sec. 5. New employees; similar and equitable treatment. Employees in classifications included in Institutional Services Bargaining Unit, but who the are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F, shall be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreement, except that nonstatus employees in acting capacity, intermittent or project positions shall receive pay increases provided by this Act prospectively only and shall not receive any retroactive payment.

PART C

Sec. 1. Costs to the General Fund. There is appropriated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$287,496 for the fiscal year ending June 30, 1988, and in the amount of \$365,905 for the fiscal year ending June 30, 1989, to implement the economic terms of the collective bargaining agreement agreed to by the State and the Maine State Troopers Association, representing the Maine State Troopers Bargaining Unit.

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Sec.'2. Costs to the Highway Fund. There is al-1 2 located in Part G of this Act funding sufficient when 3 combined with other available funds to cover the 4 costs to the Highway Fund in the amount of \$862,488 5 6 for the fiscal year ending June 30, 1988, and in the of \$1,097,715 for the fiscal year ending June amount 7 30, 1989, to fund salary and benefit changes of the 8 collective bargaining agreement agreed to by the 9 State and the Maine State Troopers Association for 10 the Maine State Troopers Bargaining Unit.

11 Special Account Funding. Funding pro-Sec. 3. 12 vided by this Act shall be segregated into a special 13 account to be made available as needed upon the rec-14 ommendation of the State Budget Officer with the ap-15 proval of the Governor. The funds shall include re-16 tirement costs. Positions supported from sources of 17 funding other than the General Fund and Highway Fund 18 shall be funded whenever possible from those other 19 sources.

20 Sec. 4. Adjustments of salary schedule for fiscal year 1988. Effective at the beginning of the pay 21 22 week commencing closest to July 1, 1987, the salary 23 schedule for the Maine State Troopers Bargaining Unit be adjusted by 3% consistent with the terms of 24 shall 25 Effective the collective bargaining agreement. at 26 beginning of the pay week commencing closest to the 27 January 1, 1988, the salary schedule shall again be 28 adjusted consistent with the terms of the collective 29 bargaining agreement.

30 Sec. 5. Adjustment of salary schedule for fiscal 31 year 1989. Effective at the beginning of the pay commencing closest to July 1, 1988, the salary 32 week 33 schedule for the Maine State Troopers Bargaining Unit shall be adjusted by 3% consistent with the terms of 34 35 the collective bargaining agreement.

36 Sec. 6. New employees; similar and equitable 37 Employees in classifications included treatment. in the Maine State Troopers Bargaining Unit, but who are 38 39 excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, sub-section 6, paragraphs E and F, shall be given similar 40 41 42 and equitable treatment on a pro rata basis to that 43 given employees covered by the agreement, except that

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nonstatus employees in acting capacity, intermittent or project positions shall receive pay increases provided by the Act prospectively only and shall not receive any retroactive payment.

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PART D

Sec. 1. Definition of confidential employees. For the purpose of this Act, confidential employees are defined as those within the Executive Branch, including probationary employees, who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.

Sec. 2. Costs to the General Fund. There is appropriated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$746,842 for the fiscal year ending June 30, 1988, and in the amount of \$1,910,929 for the fiscal year ending June 30, 1989, to fund salary and benefit changes for confidential employees.

Sec. 3. Costs to the Highway Fund. There is appropriated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$161,945 for the fiscal year ending June 30, 1988, and in the amount of \$414,709 for the fiscal year ending June 30, 1989, to fund salary and benefit changes for confidential employees.

Sec. 4. Special account funding. 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. The funds shall include retirement costs. Positions supported from sources of funding other than the General Fund and the Highway Fund shall be funded whenever possible from those sources.

Sec. 5. Retirement option. Newly appointed confidential employees who are not required by law to participate in the Maine State Retirement System may elect to receive a 5% salary increase in lieu of

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1 State payment of their retirement contribution. This 2 option shall be exercised at the time of appointment.

3 Adjustment of salary schedule for fiscal Sec. 6. year 1988. 4 Effective at the beginning of the pay week commencing closest to July 1, 1987, the salary schedule for confidential employees shall be revised 5 6 7 to be the same as the Supervisory Services Bargaining 8 Unit salary schedule, including the 3% adjustment to that schedule effective July 1, 1987. 9

10 Adjustment of salary schedule for fiscal Sec. 7. 11 . 1989. Effective the beginning of the pay week year commencing closest to July 1, 1988, the salary sched-12 ule for confidential employees shall be 13 adjusted by 14 Effective at the beginning of the pay week com-3%. 15 mencing closest to January 1, 1989, this salary 16 schedule shall again be adjusted by 3%.

17 Sec. 8. Employees whose salaries are subject to 18 the Governor's adjustment or approval. The Governor 19 is authorized to grant similar and equitable treat-20 ment consistent with this Act for those unclassified 21 employees whose salaries are subject to the Gover-22 nor's adjustment or approval.

23 Sec. 9. Employees of the Legislative Branch. 24 The Legislative Council may approve salary and bene-25 fit increases for confidential employees within the 26 Legislative Branch, including constitutional officers 27 and the State Auditor, not subject to collective bar-28 gaining.

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PART E

30 Sec. 1. Costs to the General Fund. There is ap-31 propriated in Part G of this Act funding sufficient 32 when combined with other available funds to cover the costs to the General Fund in the amount of \$86,453 33 34 the fiscal year ending June 30, 1988, and in the for 35 amount of \$197,518 for the fiscal year ending June 1989, to offset salary and benefit costs of the 36 30, 37 Maine Vocational-Technical Institute System employ-38 ees.

39 Sec. 2. Special account funding. Funding pro-40 vided by this Act shall be segregated into a special

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account to be made available to the Board of Trustees of the Maine Vocational-Technical Institute System as needed upon recommendation of the State Budget Officer with the approval of the Governor. The funds shall include retirement costs. Positions supported from sources other than the General Fund shall be funded whenever possible from those other sources.

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PART F

Costs to the General Fund. There is appropriated in Part G of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$136,176 for the fiscal year ending June 30, 1988, and in the amount of \$350,797 for the fiscal year ending June 30, 1989, to offset salary and benefit costs of Maine Maritime Academy employees.

PART G

18 Sec. 1. Appropriation. The following funds are 19 appropriated from the General Fund to carry out the 20 purposes of this Act.

21		1987-88	1988-89
22 23	FINANCE, DEPARTMENT OF		
24 25	State Contingency Finance -	Account	
26	Unallocated	\$(7,500,000)	\$(7,500,000)
27	Salary Plan	· · · ·	
28	Personal Services	3,413,482	16,099,545
29	TOTAL	\$(4,086,518)	\$8,599,545
30 31	HUMAN SERVICES, DE- PARTMENT OF		
32	Medical Care - Payme	ents to	

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1	All Other	\$(2,500,000)	\$(2,500,000)	
2 3	MAINE MARITIME ACADEMY			
4 5	Maritime Academy - Opera tions	. -		
6	All Other	\$ 136,176	\$ 350,797	
7 8	PART G TOTAL APPROPRIATION	\$(6,450,342)	\$ 6,450,342	
9 10 11	Sec. 2. Allocation. The following funds are al- located from the Highway Fund to carry out the pur- poses of this Act.			
12		<u>1987-88</u>	1988-89	
13 14	FINANCE, DEPARTMENT OF			
15 16	State Contingency Account Finance -			
17	Unallocated	\$(1,400,000)	\$(4,000,000)	
18	Salary Plan			
19	Personal Services	137,572	6,870,839	
20 21	PART G TOTAL ALLOCATION	<u>\$(1,262,428)</u>	\$ 2,870,839	
22	PART H			
23 24 25 26	Sec. 1. Carrying clause. Any balances remaining from special accounts established by this Act shall not lapse, but shall be carried forward to June 30, 1989.			
27 28 29 30	Sec. 2. Authorization for reimbursement of costs associated with contract resolution. The Department of Administration and the Department of Finance may be reimbursed from the special accounts funded by			
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this Act for the costs of contract resolution, admin-istration and implementation and other costs required by the process of collective bargaining and by impact negotiation procedures.

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

8		FISCAL NOTE	
9		GENERAL FUND	
10 11 12 13 14 15	Part A Part B Part C Part D Part E Part F	\$4,552,375 1,277,555 287,496 746,842 86,453 136,176	\$10,574,353 3,050,840 365,905 1,910,929 197,518 350,797
16	Total Cost	\$7,086,897	\$16,450,342
17 18	Appropriations, Part G	(3,549,658)	(16,450,342)
19 20 21	Balance from current salary plan	\$3,537,239	-0-
22	• •	HIGHWAY FUND	· · · ·
23 24 25	Part A Part C Part D	\$2,178,255 862,488 161,945	\$5,358,415 1,097,715 414,709
26	Total Cost	\$3,202,688	\$6,870,839
27 28	Allocations, Part G	(137,572)	(6,870,839)
29 30 31	Balance from current salary plan	\$3,065,116	-0-

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STATEMENT OF FACT

2 Part A identifies and implements the cost items 3 the collective bargaining agreement reached beof tween the State and the Maine State Employees Associ-4 5 ation for the Administrative Services Bargaining 6 Unit, the Supervisory Services Bargaining Unit, the 7 Professional and Technical Services Bargaining Unit, the Law Enforcement Services Bargaining Unit and the 8 9 Operations, Maintenance and Support Services Bargain-10 ing Unit.

- Section 1 reflects the costs from the General Fund to fund the bargaining agreements.
- 13 Section 2 reflects the costs from the Highway 14 Fund to fund the bargaining agreements.
- 15 Section 3 provides authorization for the approval 16 and use of such funds.

Section 4 provides for the adjustment of the salary schedules by an increase of 3% at the beginning of the pay week commencing closest to July 1, 1987, for bargaining unit members.

21 Section 5 provides for the adjustment of salary 22 schedules for bargaining unit members by an increase 23 of 3% at the beginning of the pay week commencing 24 closest to July 1, 1988, and by another 3% increase 25 at the beginning of the pay week commencing closest 26 to January 1, 1989.

Section 6 provides for similar 27 and equitable 28 treatment of probationary and other employees in 29 classifications in the Administration Services Bargaining Unit, the Supervisory Services Bargaining 30 31 Unit, the Professional and Technical Services Bargaining Unit, the Law Enforcement Services and 32 the 33 Operations, Mainetenance and Support Services Bar-34 gaining Unit.

Part B identifies and implements the cost items
of the collective bargaining agreement reached be tween the State and the American Federation of State,
County and Municipal Employees - Council #93 for the

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Institutional Services Bargaining Unit.

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Section 1 reflects the costs from the General Fund to fund the bargaining agreement.

Section 2 provides authorization for the approval and use of funds.

Section 3 provides for the adjustment of salary schedules, by an increase of 3% effective at the beginning of the first pay period from July 1, 1987, for bargaining unit members.

Section 4 provides for the adjustment of salary schedules for bargaining unit members by an increase of 3% effective at the beginning of the first pay week commencing after July 1, 1988, and by another 3% increase at the beginning of the pay week closest to January 1, 1989.

16 Section 5 provides for similar and equitable employees in treatment of probationary and other 18 Institutional Services Barclassifications in the gaining Unit.

Part C identifies and implements the cost items the collective bargaining agreement reached beof tween the State and the Maine State Troopers Association for the Maine State Troopers Bargaining Unit.

Section 1 reflects the from the General costs Fund to fund the bargaining agreement.

26 Section 2 reflects the costs from the Highway 27 Fund to fund the bargaining agreements.

Section 3 provides authorization for the approval 28 29 and use of funds.

30 Section 4 provides for the adjustment of salary 31 schedules by an increase of 3% effective at the be-32 ginning of the pay week commencing closest to July 1, 33 1987, and for the adjustment of salary schedules con-34 sistent with the collective bargaining agreement ef-35 fective the pay week commencing closest to January 1, 36 1988, for bargaining unit members.

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Section 5 provides for the adjustment of salary
schedules for bargaining unit members by an increase
of 3% effective at the beginning of the pay week com mencing closest to July 1, 1988.

5 Section 6 provides for similar and equitable 6 treatment of probationary and other employees in 7 classifications in the Maine State Troopers Bargain-8 ing Unit.

9 Part D identifies and implements salary adjust-10 ments and benefits for Executive and Legislative 11 Branch employees excluded from collective bargaining.

12 Section 1 defines confidential employees covered 13 by this Part.

14 Section 2 reflects the costs from the General 15 Fund to fund salary adjustments and benefits for con-16 fidential employees.

Section 3 reflects the costs from the Highway Fund to fund salary adjustments and benefits for confidential employees.

20 Section 4 provides authorization for the approval 21 and use of funds.

22 Section 5 provides for the 5% salary option for 23 newly appointed confidential employees not required 24 by law to participate in the Maine State Retirement 25 System.

26 Section 6 provides for the adjustment of the sal-27 ary schedule for confidential employees by revising 28 the schedules effective at the beginning of the pay 29 week commencing closest to July 1, 1987, so that they 30 are the same as the Supervisory Services Bargaining 31 Unit schedules, including the 3% adjustment to that 32 schedule effective July 1, 1987.

33 Section 7 provides for the adjustment of the salary schedule for confidential employees by an increase of 3% effective at the beginning of the pay week commencing closest to July 1, 1988, and by another 3% increase at the beginning of the pay week closest to January 1, 1989.

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Section 8 authorizes the Governor to grant similar and equitable treatment to unclassified employees whose salaries are subject to the Governor's adjustment or approval.

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Section 9 authorizes the Legislative Council to approve salary and benefit increases for employees of the Legislative Branch, including constitutional officers and the State Auditor, not covered by collective bargaining.

Part E identifies and implements the cost items 10 11 of the collective bargaining agreements reached be-12 tween the board of trustees and the American Federa-13 tion of State, County and Municipal Employees - Coun-14 cil #93 for the Institutional Services Bargaining Unit of the Maine Vocational-Technical Institute System. The bill also provides for funding and implementation of salary and benefit items for certain employees of the Maine Vocational-Technical Institute System who are excluded from collective bargaining units.

21 Section 1 reflects the costs from the General 22 salary and benefit costs of the Maine Voc-Fund for 23 ational-Technical Institute System employees.

24 Section 2 provides authorization for the approval 25 and use of funds.

26 Part F identifies and implements salary adjust-27 ments and benefits for Maine Maritime Academy employ-28 ees.

29 Part G provides for appropriations from the Gen-30 eral Fund and allocations from the Highway Fund for 31 Parts A to F of this Act.

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Part H provides for funds appropriated under this Act to carry over until June 30, 1989; provides for reimbursement to the Department of Administration and the Department of Finance for costs incurred in the process of collective bargaining, contract administration and related costs; and provides that this Act shall take effect when approved.

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