

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2153

H.P. 1578 House of Representatives, January 27, 1988
Reference to the Committee on Appropriations and
Financial Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative CARTER of Winslow.

Cosponsored by Senators EMERSON of Penobscot, PEARSON of
Penobscot and Representative HIGGINS of Scarborough.

STATE OF MAINE

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

1 **AN ACT to Fund and Implement Certain**
2 **Collective Bargaining Agreements and to Fund and**
3 **Implement Benefits for Certain Employees**
4 **Excluded from Collective Bargaining.**
5

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

9 Whereas, certain obligations and expenses
10 incidental to the operation of the State and the

1 Judicial Department collective bargaining agreements
2 will become due and payable immediately; and

3 Whereas, it is the responsibility of the
4 Legislature to act upon those portions of tentative
5 collective bargaining agreements negotiated by the
6 judicial branch which require legislative action; and

7 Whereas, the Governor and the Legislature also
8 share a desire to address the needs of certain
9 Judicial Department employees excluded from collective
10 bargaining units on a timely basis; and

11 Whereas, in the judgment of the Legislature, these
12 facts create an emergency within the meaning of the
13 Constitution of Maine and require the following
14 legislation as immediately necessary for the
15 preservation of the public peace, health and safety;
16 now, therefore,

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

19 **PART A**

20 **Sec. 1. Costs to the General Fund.** There is
21 appropriated in Part C of this Act funding sufficient
22 when combined with other available funds to cover the
23 costs to the General Fund in the amount of \$276,694
24 for the fiscal year ending June 30, 1988, and the
25 amount of \$515,976 for the fiscal year ending June 30,
26 1989, to implement the economic terms of the
27 collective bargaining agreements agreed to by the
28 Judicial Department and the Maine State Employees
29 Association for the Administrative Services Bargaining
30 Unit, the Supervisory Bargaining Unit and the
31 Professional Bargaining Unit.

32 **Sec. 2. Special account funding.** Funding
33 provided by this Act shall be segregated into a
34 special account to be made available as needed upon
35 the recommendation of the State Budget Officer with
36 the approval of the Governor. The funds shall include
37 retirement costs.

1 **Sec. 3.** Adjustment of salary schedule for fiscal
2 year 1988. Effective at the beginning of the pay
3 week commencing closest to July 1, 1987, the salary
4 schedule for employees in the Administrative Services
5 Bargaining Unit, the Supervisory Bargaining Unit and
6 the Professional Bargaining Unit shall be adjusted by
7 4% consistent with the terms of the collective
8 bargaining agreements.

9 **Sec. 4.** Adjustments of salary schedule for
10 fiscal year 1989. Effective at the beginning of the
11 pay week commencing closest to July 1, 1988, the
12 salary schedule for the employees in the
13 Administrative Services Bargaining Unit, the
14 Supervisory Bargaining Unit and the Professional
15 Bargaining Unit shall be adjusted by 2.15% consistent
16 with the terms of the collective bargaining
17 agreements. Effective at the beginning of the pay
18 week closest to January 1, 1989, these salary
19 schedules shall again be adjusted by 2.85% consistent
20 with the terms of the collective bargaining agreements.

21 **Sec. 5.** Other employees; similar and equitable
22 treatment. Employees in classifications included in
23 the Administrative Services Bargaining Unit, the
24 Supervisory Bargaining Unit and the Professional
25 Bargaining Unit, but who are excluded from collective
26 bargaining pursuant to the Maine Revised Statutes,
27 Title 26, section 1282, subsection 5, paragraphs C, F
28 and G, shall be given similar and equitable treatment
29 on a pro rata basis to that given employees covered by
30 the collective bargaining agreements.

31

PART B

32 **Sec. 1.** Definition of excepted employees. For
33 the purposes of this Part, "excepted employees" are
34 defined as those within the judicial branch who are in
35 positions excluded from bargaining units pursuant to
36 the Maine Revised Statutes, Title 26, section 1282,
37 subsection 5, paragraphs C, D and E, other than those
38 referred to in Part A, section 5.

1 cited in the preamble, this Act shall take effect when
2 approved.

3 STATEMENT OF FACT

4 Part A identifies and implements the cost items of
5 the collective bargaining agreement reached between
6 the Judicial Department and the Maine State Employees
7 Association for the Administrative Services Bargaining
8 Unit, the Supervisory Bargaining Unit and the
9 Professional Bargaining Unit.

10 Section 1 reflects the costs to the General Fund
11 to fund the bargaining agreements.

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

14 Section 3 provides for the adjustment of salary
15 schedules for bargaining unit members by an increase
16 of 4% at the beginning of the pay week commencing July
17 1, 1987 for bargaining unit members.

18 Section 4 provides for the adjustment of salary
19 schedules by an increase of 2.15% at the beginning of
20 the pay week commencing closest to July 1, 1988, and
21 by a 2.85% increase at the beginning of the pay week
22 commencing closest to January 1, 1989.

23 Section 5 provides for similar and equitable
24 treatment of probationary and other employees in
25 classifications included in the Administrative
26 Services Bargaining Unit, the Supervisory Bargaining
27 Unit and the Professional Bargaining Unit, but who are
28 excluded from collective bargaining.

29 Part B identifies and implements salary
30 adjustments and benefits for certain Judicial
31 Department employees excepted from collective
32 bargaining who are not in classifications included in
33 a bargaining unit.

34 Section 1 defines certain employees covered by
35 this Part who are excepted from collective bargaining
36 by the Judicial Employees Labor Relations Act, the
37 Maine Revised Statutes, Title 26, section 1282,
38 subsection 5, paragraphs C, D and E, to include a
39 person:

1 Whose duties necessarily imply a confidential
2 relationship to the Judicial Department's bargaining
3 representative with respect to matters subject to
4 collective bargaining;

5 Who is a department or division head; or

6 Who is appointed to serve as a law clerk to a
7 judge or a justice.

8 Section 2 reflects the costs to the General Fund
9 to fund salary adjustments and benefits for these
10 excepted employees.

11 Section 3 provides for an increase of 3% in the
12 salary schedule for excepted employees of the Judicial
13 Department to be implemented effective at the
14 beginning of the pay week closest to July 1, 1987.

15 Section 4 provides for the adjustment of the
16 excepted employees salary schedule by an increase of
17 3% effective at the beginning of the pay week closest
18 to July 1, 1988, and by another 3% increase at the
19 beginning of the pay week closest to January 1, 1989.

20 Part C provides appropriations from the General
21 Fund for Parts A and B of this Act. It also provides
22 for funds appropriated under this Act to carry over
23 until June 30, 1989; and provides that this Act will
24 take effect when approved.

25

4655122987