

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

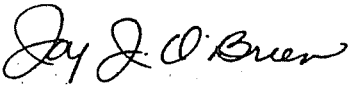
No. 1651

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S.P. 589

In Senate, May 12, 1989

Reference to the Committee on Labor suggested and ordered printed.

  
JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Representative LARRIVEE of Gorham, Representative LUTHER of Mexico and Senator TITCOMB of Cumberland.

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STATE OF MAINE

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

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An Act to Clarify Negotiability of Recruitment and Retention Adjustments.

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(EMERGENCY)



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

5           Whereas, unless this legislation is enacted as an emergency  
6 measure, recruitment and retention provisions enacted by Public  
7 Law 1987, chapter 431, will be repealed before the expiration of  
8 the 90-day period; and

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

14  
15 **Be it enacted by the People of the State of Maine as follows:**

16  
17           **Sec. 1.** 5 MRSA §7065, sub-§2, as amended by PL 1987, c. 402,  
18 Pt. A, §§58 and 59 and c. 431, §§1 and 3, is repealed and the  
19 following enacted in its place:

20  
21           2. Salary limits. No position may be assigned a salary  
22 greater than the maximum or less than the minimum rates fixed in  
23 the compensation plan except as provided by subsections 2-A and  
24 2-B.

25  
26  
27           **Sec. 2.** 5 MRSA §7065, sub-§2-A, as enacted by PL 1987, c. 431,  
28 §§2 and 3, is amended to read:

29  
30           **2-A. Recruitment and retention adjustments.** Subject to  
31 Title 26, section 979-D, subsection 1, ~~paragraph-E~~, the director  
32 may approve payment of recruitment and retention adjustments for  
33 occupations in State Government when the payment of a labor  
34 market adjustment is required to recruit and retain an adequate  
35 work force. Payment of a recruitment and retention adjustment  
36 may be authorized only when justified by the following  
37 conditions:

38           A. High turnover exists or long-term vacancies exist within  
39 State Government in the relevant occupational  
40 classifications or job series;

41  
42           B. The relevant occupational classification or job series  
43 has a clear, geographically definable labor market within  
44 which the State must compete;

45  
46           C. All appropriate recruitment and retention efforts have  
47 been attempted and have proven ineffective at the current  
48 levels of compensation; and

49  
50           D. Comprehensive, verifiable documentation of labor market  
51 compensation levels for the relevant occupation has been

1 compiled to determine competitive pay levels within the  
3 defined labor market. This documentation must demonstrate  
5 that a labor market disparity exists and that the disparity  
7 represents a long-term, not transitory or seasonal, problem.

9 Sec. 3. 26 MRSA §979-D, sub-§1, ¶B, as enacted by PL 1973, c.  
11 774, is amended to read:

13 B. To meet within 10 days after receipt of written notice  
15 from the other party requesting a meeting for collective  
17 bargaining purposes, including bargaining under Title 5,  
19 section 7065, subsection 2-A, provided the parties have not  
21 otherwise agreed in a prior written contract;

23 Sec. 4. PL 1987, c. 431, §3 is repealed.

25 Sec. 5. Sunset provision. This Act is repealed upon funding by  
27 the Legislature of the revised compensation system currently the  
29 subject of negotiation as provided by the Maine Revised Statutes,  
31 Title 26, section 929-D, subsection 1-E.

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

37

#### STATEMENT OF FACT

39 The Director of the Bureau of Human Resources has the  
41 authority to establish recruitment and retention salary  
43 adjustments for state employee classifications which meet  
45 statutory conditions which indicate recruitment and retention  
47 problems for those classifications or job series. This authority  
is subject to the State's collective bargaining obligation under  
the State Employees Labor Relations Act. This bill makes it  
clear that an employee bargaining agent has the right to demand  
these negotiations as a mandatory subject of bargaining upon  
showing that all of these statutory conditions, not within the  
employer's control, have been met.