

MAINE STATE LEGISLATURE

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L.D. 1911

(Filing No. H- 819)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1380, L.D. 1911, Bill, "An Act to Return Certain Positions within the Department of Mental Health and Mental Retardation to Classified Service under the Civil Service Law and to Establish Uniform Pay Schedules"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Establish Certain Positions within the Department of Mental Health and Mental Retardation as Unclassified State Positions Subject to the State Employees Labor Relations Act.'

Further amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 34-B MRSA §1204, sub-§2, ¶¶ D and E, as enacted by PL 1989, c. 501, Pt. P, §29, are amended to read:

D. The commissioner, with the approval of the Governor, may employ and set the salaries up to the maximum adjusted pay grade for ~~physieian-I,-II-and-III-positions-and~~ clinical director positions. ~~Physieian-I,-II-and-III-positions-and~~ ~~eliniel~~ Clinical director positions shall ~~be~~ are excluded from the definition of state employee under Title 26, section 979-A, subsection 6, and shall ~~are~~ are not be subject to the Civil Service Law. Employees in ~~these-classifications~~ that classification hired after ~~the-effective-date-of-this-paragraph-shall~~ July 1, 1989 serve at the pleasure of the commissioner and shall, as a condition of continued employment, maintain clinical privileges to practice medicine as determined by the respective medical staff and the superintendent of the facility.

E. Employees in the ~~elassificatiens~~ classification of ~~physieian-I,-II-and-III-and~~ clinical director may elect to retain current bargaining unit and civil service status. Employees so "grandfathered" shall retain salary and benefit entitlement provided for on current pay schedules and collective bargaining agreements.'

COMMITTEE AMENDMENT "A" to H.P. 1380, L.D. 1911

2 Further amend the bill after section 3 and before the
statement of fact by inserting the following:

4 'Sec. 4. 34-B MRSA §1204, sub-§8 is enacted to read:

6 8. Physicians. Employees in the classifications of
7 physician I, II and III within the Department of Mental Health
8 and Mental Retardation are unclassified state employees, as
9 defined by Title 26, section 979-A, subsection 6, and are members
10 of bargaining units, subject to Title 26, chapter 9-B.

12 **Sec. 5. Negotiations.** Notwithstanding any other provision of
13 law, the State and the bargaining agent for physicians employed
14 by the Department of Mental Health and Mental Retardation shall
15 negotiate as to the impact of the implementation of the Maine
16 Revised Statutes, Title 34-B, section 1204, subsections 2 and 8.
17 Negotiations must begin prior to September 1, 1990 and must be
18 conducted in accordance with bargaining procedures set forth in
19 Title 26, chapter 9-B. The negotiations are limited to salaries.

20 **Sec. 6. Transition.** The existing salary structure for
21 physicians within the Department of Mental Health and Mental
22 Retardation is in effect without change until the State and the
23 bargaining agent for physicians reach agreement on a new salary
24 structure.

26 **FISCAL NOTE**

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29 Once negotiations have been completed and a bargaining
30 agreement reached, it may be necessary to provide a General Fund
31 appropriation to fund and implement the provisions of the
32 agreement. It is conceivable that a General Fund appropriation
33 will be required in fiscal year 1990-91, as negotiations must
34 begin prior to September 1, 1990. The precise amount will not be
35 known until an agreement has been reached.'

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37 **STATEMENT OF FACT**

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39 This amendment defines all physician I, II and III positions
40 within the Department of Mental Health and Mental Retardation as
41 unclassified state positions, subject to the State Employees
42 Labor Relations Act. Under the amendment, physicians within that
43 department are members of a bargaining unit for the purposes of
44 collective bargaining. The amendment requires negotiations for a
45 compensation package for physicians to begin prior to September
46 1, 1990.