

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2475

H.P. 1804

House of Representatives, April 5, 1990

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative FARREN of Cherryfield.  
Cosponsored by Representative GREENLAW of Standish.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act to Fund and Implement a Collective Bargaining Agreement  
with the Maine State Troopers Association.**

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(EMERGENCY)



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 collective bargaining agreement with the Maine State Troopers Association will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of a tentative collective bargaining agreement negotiated by the executive branch that require legislative action; and

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

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

#### PART A

**Sec. A-1. Costs to the General Fund.** Funds are appropriated in Private and Special Law 1989, chapter 86, Part E, to cover the costs to the General Fund in the amount of \$357,500 for the fiscal year ending June 30, 1990, and in the amount of \$840,500 for the fiscal year ending June 30, 1991, to implement the economic terms of the collective bargaining agreement made by the State and the Maine State Troopers Association for the Maine State Troopers bargaining unit.

**Sec. A-2. Costs to the Highway Fund.** Funds are allocated in Private and Special Law 1989, chapter 86, Part E, to cover the costs to the Highway Fund in the amount of \$357,500 for the fiscal year ending June 30, 1990, and in the amount of \$840,500 for the fiscal year ending June 30, 1991, to fund salary and benefit changes of the collective bargaining agreement made by the State and the Maine State Troopers Association for the Maine State Troopers bargaining unit.

**Sec. A-3. Special account funding.** Funding provided by Private and Special Law 1989, chapter 86, Part E, must 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 must include retirement costs. Positions supported from sources of funding other than the General Fund and Highway Fund must be funded whenever possible from those other sources.

**Sec. A-4. Adjustment of salary schedules for fiscal year 1989-90.**

2 Effective at the beginning of the pay week commencing closest to  
3 July 1, 1989, the salary schedules for employees in the Maine  
4 State Troopers bargaining unit are adjusted by 3% consistent with  
5 the terms of the collective bargaining agreement. Effective at  
6 the beginning of the pay week commencing closest to April 1,  
7 1990, these salary schedules are again adjusted by 3% consistent  
8 with the terms of the collective bargaining agreement.

**Sec. A-5. Adjustments of salary schedules for fiscal year 1990-91.**

10 Effective at the beginning of the pay week commencing closest to  
11 October 1, 1990, the salary schedules for employees in the Maine  
12 State Troopers bargaining unit are adjusted by 3% consistent with  
13 the terms of the collective bargaining agreement. Effective at  
14 the beginning of the pay week commencing closest to April 1,  
15 1991, these salary schedules are again adjusted by 3% consistent  
16 with the terms of the collective bargaining agreement.

**Sec. A-6. Funding for fiscal year 1991-92.**

18 Funding and  
19 implementation of the economic terms of the collective bargaining  
20 agreement between the State and the Maine State Troopers  
21 Association representing the employees in the Maine State  
22 Troopers bargaining unit for the fiscal year ending June 30,  
23 1992, are subject to approval and appropriation of \$1,013,000  
24 from the General Fund and allocation of \$1,013,000 from the  
25 Highway Fund by the First Regular Session of the 115th  
26 Legislature.

**Sec. A-7. New employees; similar and equitable treatment.**

28 Employees in classifications included in the Maine State Troopers  
29 bargaining unit, but who are excluded from collective bargaining  
30 pursuant to the Maine Revised Statutes, Title 26, section 979-A,  
31 subsection 6, paragraphs E and F, must be given similar and  
32 equitable treatment on a pro rata basis to that given employees  
33 covered by the collective bargaining agreement, except that  
34 nonstatus employees in acting capacity, intermittent or project  
35 positions are entitled to receive pay increases provided by this  
36 Act prospectively only and may not receive any retroactive  
37 payment.

**PART B**

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46 **Sec. B-1. Carrying clause.** Any balances remaining from special  
47 accounts established by this Act may not lapse but must be  
48 carried forward to June 30, 1991.

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50 **Sec. B-2. Authorization for reimbursement of costs associated with  
contract resolution.** The Department of Administration and the  
Department of

2 Finance may be reimbursed from the special accounts funded by  
3 this Act for the costs of contract resolution, administration,  
4 and implementation, and other costs required by the process of  
5 collective bargaining and by negotiation procedures.

6 **Emergency clause.** In view of the emergency cited in the  
7 preamble, this Act takes effect when approved.  
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### FISCAL NOTE

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13 As indicated in Part A of this bill, the necessary resources  
14 were appropriated from the General Fund and Highway Fund in  
15 Private and Special Law 1989, chapter 86, Part E, to fund the  
16 implementation of this collective bargaining agreement in fiscal  
17 years 1989-90 and 1990-91.

18

19 There is a future cost to the General Fund and Highway Fund  
20 of approximately \$1,013,000 each in fiscal year 1991-92 to fund  
21 the 3rd year of this collective bargaining agreement.  
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### STATEMENT OF FACT

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27 Part A of this bill identifies and implements the cost items  
28 of the collective bargaining agreement reached between the State  
29 and the Maine State Troopers Association for the Maine State  
30 Troopers bargaining unit.

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

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33 Section 2 reflects the costs from the Highway Fund to fund  
34 the bargaining agreement.

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35 Section 3 provides authorization for the approval and use of  
36 those funds.

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37 Section 4 provides for the adjustment of salary schedules in  
38 fiscal year 1989-90.

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39 Section 5 provides for the adjustment of salary schedules in  
40 fiscal year 1990-91.

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41 Section 6 provides that the funding and implementation of  
42 the economic terms of the collective bargaining agreement for  
43 fiscal year 1991-92 for the Maine State Troopers bargaining unit

are subject to approval and appropriation by the 115th  
2 Legislature.

4 Section 7 provides for similar and equitable treatment of  
probationary and other employees in classifications in the Maine  
6 State Troopers bargaining unit.

8 Part B of this bill provides for funds appropriated under  
this Act to carry over until June 30, 1991, and provides for  
10 reimbursement to the Department of Administration and the  
Department of Finance for costs incurred in the process of  
12 collective bargaining, contract administration and related costs.

14 The bill is an emergency measure and takes effect when  
approved.