

MAINE STATE LEGISLATURE

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R. of S.

L.D. 2185

(Filing No. S-755)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "M" to COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2185, Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws"

Amend the amendment in Part NN in section 1 in the 3rd line (page 330, line 21 in amendment) by striking out the following: "80,000" and inserting in its place the following: '\$2,080,000' and in the 5th line (page 330, line 23 in amendment) by striking out the following: "\$80,000" and inserting in this place the following: '\$2,080,000'

Further amend the amendment in Part NN in section 2 in the 4th line (page 330, line 30 in amendment) by striking out the following: "\$80,000" and inserting in its place the following: '\$2,080,000'

Further amend the amendment in Part WW by striking out all of sections 1 and 2.

Further amend the amendment in Part WW in section 3 in the 5th line (page 337, line 32 in amendment) by striking out the following "3 hours" and inserting in its place the following: 'one hour' and in the 4th line from the end (page 337, line 35 in amendment) by striking out the following: 2 hours and 45 minutes" and inserting in its place the following: 'one hour'

Further amend the amendment in Part WW in section 3 by inserting before the last sentence (page 337, line 36 in amendment) the following: 'Supervisors shall be responsible for conferring with employees for the scheduling of the one-hour reduction, subject to operational needs of the department or agency. Each employee must be given at least 14 days' notice of the change in that individual's schedule.'

SENATE AMENDMENT

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2 Further amend the amendment in Part WW in section 3 by
inserting at the end the following:

4
6 'The reduction in work schedules required in this section
does not affect state employee rights and benefits that are
8 established under contract or in law and that are based on work
schedules in effect prior to the effective date of this Act.
Rights and benefits must be determined as if the work schedules
10 of employees had not be reduced.'

12 Further amend the amendment in Part WW in section 4 in the
3rd line (page 337, line 42 in amendment) by striking out the
14 following: "6, 7, 8, 10 and 11" and inserting in its place the
following: '4 to 9'

16 Further amend the amendment in Part WW in section 5 in the
18 4th line (page 338, line 5 in amendment) by striking out the
following: "9 to 11" and inserting in its place the following: '7
20 to 9'

22 Further amend the amendment in Part WW by striking out all
of sections 6 to 11 and inserting in their place the following:

24 'Sec. WW-6. Appropriation. The following funds are
26 appropriated from the General Fund to carry out the purposes of
this Part.

1992-93

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32 **ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**
34 **Departments and Agencies -
Statewide**

36 Personal Services (\$4,716,700)

38 Provides for the deappropriation of funds
40 associated with reducing the weekly work
42 schedule for each state employee in
accordance with section 1 of this Part.

44 **Sec. WW-7. Allocation.** The following funds are allocated
46 from the Highway Fund to carry out the purposes of this Part.

1992-93

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**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

**Departments and Agencies -
Statewide**

Personal Services (\$1,533,350)

Provides for the deallocation of funds associated with reducing the weekly work schedule for each state employee in accordance with section 1 of this Part.

Sec. WW-8. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Part.

1992-93

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

**Departments and Agencies -
Statewide**

Personal Services (\$1,533,350)

Provides for the deallocation of funds associated with reducing the weekly work schedule for each state employee in accordance with section 1 of this Part.

Sec. WW-9. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

1992-93

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

**Departments and Agencies -
Statewide**

Personal Services (\$1,341,700)

Provides for the deallocation of funds associated with reducing the weekly work

SENATE AMENDMENT "M" to COMMITTEE AMENDMENT "A" to H.P. 1547,
L.D. 2185

2 schedule for each state employee in
accordance with section 1 of this Part.

4 **Sec. WW-10. Allocation.** The following funds are allocated
6 from the various internal service funds to carry out the purposes
of this Part.

8 1992-93

10 **ADMINISTRATIVE AND FINANCIAL**
12 **SERVICES, DEPARTMENT OF**

14 **Departments and Agencies -**
Statewide

16 Personal Services (\$376,700)

18 Provides for the deallocation of funds
20 associated with reducing the weekly work
22 schedule for each state employee in
accordance with section 1 of this Part.

24 **Sec. WW-11. Allocation.** The following funds are allocated
from the various enterprise funds to carry out the purposes of
this Part.

26 1992-93

28 **ADMINISTRATIVE AND FINANCIAL**
30 **SERVICES, DEPARTMENT OF**

32 **Departments and Agencies -**
Statewide

34 Personal Services (\$218,350)

36 Provides for the deallocation of funds
38 associated with reducing the weekly work
40 schedule for each state employee in
accordance with section 1 of this Part.

42 Further amend the amendment in Part WW by striking out all
of section 12.

44 Further amend the amendment in Part WW by renumbering the
46 sections to read consecutively.

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SENATE AMENDMENT "N" to COMMITTEE AMENDMENT "A" to H.P. 1547,
L.D. 2185

Further amend the amendment by inserting at the end before
the fiscal note the following:

PART XX

Sec. XX-1. Appropriation. The following funds are
appropriated from the General Fund to carry out the purposes of
this Part.

1992-93

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Bureau of Taxation

Positions-Legislative Count	(2.0)
Personal Services	\$59,676
All Other	11,072
Capital Expenditures	15,586

Provides funds for 2 Tax Examiner positions
and associated administrative costs. This
action will result in additional General
Fund revenue of \$600,000 in fiscal year
1992-93.

**DEPARTMENT OF ADMINISTRATIVE AND
FINANCIAL SERVICES**

TOTAL \$86,334

**MAINE HIGH-RISK INSURANCE
ORGANIZATION**

Maine High-Risk Insurance Organization

All Other	(\$300,000)
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Provides for the deappropriation of funds to
partially offset an appropriation in Part B,
section 1.

**MAINE HIGH-RISK INSURANCE ORGANIZATION
TOTAL** (\$300,000)

**MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT OF**

SENATE AMENDMENT

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Medicaid Services - Mental Retardation

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All Other (\$1,000,000)

Provides for the deappropriation of funds to partially offset an appropriation in Part B, section 1.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
TOTAL (\$1,000,000)

SECTION XX-1
TOTAL APPROPRIATIONS (\$1,213,666)

PART YY

Sec. YY-1. Change to certain state employee pay dates in fiscal year 1992-93. Notwithstanding the Maine Revised Statutes, Title 5, section 10 or any other provision of law, the State Controller is authorized to modify the final pay dates for state employees in Cycle A and Cycle B for the final payrolls in fiscal year 1992-93. The State Controller is authorized to change the June 23, 1993 and June 30, 1993 pay dates so that state employees are paid for those pay dates on July 1, 1993.

Sec. YY-2. Calculation and transfer. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount in sections 3 and 4 of this Part that applies against each General Fund and Highway Fund account for all departments and agencies based on the total General Fund appropriations and Highway Fund allocations to those accounts. The State Budget Officer shall cause the calculated amount to be transferred from each account.

Sec. YY-3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1992-93

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide

Personal Services (\$3,850,000)

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2 Provides for the deappropriation of funds
3 associated with a modification of Cycle A
4 and Cycle B payrolls in fiscal year 1992-93
5 in accordance with section 1 of this Part.

6
7 **Sec. YY-4. Allocation.** The following funds are allocated from
8 the Highway Fund to carry out the purposes of this Part.

10 1992-93

12 **ADMINISTRATIVE AND FINANCIAL**
13 **SERVICES, DEPARTMENT OF**

14 **Departments and Agencies -**
15 **Statewide**

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17 Personal Services (\$3,046,000)

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19 Provides for the deallocation of funds
20 associated with a modification of Cycle A
21 and Cycle B payrolls in fiscal year 1992-93
22 in accordance with section 1 of this Part.

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25 **PART ZZ**

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27 **Sec. ZZ-1. 5 MRSA §17701-A is enacted to read:**

28
29 **§17701-A. Member contributions; members hired after July 1,**
30 **1992**

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32 Notwithstanding section 17701, a member hired after July 1,
33 1992 shall contribute to the retirement system or have pick-up
34 contributions made at a rate of 7.5% of earnable compensation,
35 except as otherwise provided in this Part.

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37 **Sec. ZZ-2. 5 MRSA §17702, first ¶, as amended by PL 1987, c.**
38 **739, §§15 and 48, is further amended to read:**

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40 Notwithstanding any other provision in this Part, except as
41 provided in subsection 5, the State may agree to provide for
42 members, pursuant to law, through a collective bargaining
43 contract, or as the Legislative Council may agree to provide, for
44 approved legislative employees, payment for a member's mandatory
45 contribution to the Maine State Retirement System, as established
46 by section 17701, instead of deducting the contribution from the

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member's compensation or having the contribution picked up by the employer.

Sec. ZZ-3. 5 MRSA §17702, sub-§5 is enacted to read:

5. Member contribution. Amounts paid by the State in lieu of the member contribution do not include the 1% that is paid by a member hired after July 1, 1992.

Sec. ZZ-4. 5 MRSA §17708-A is enacted to read:

§17708-A. State Police; members hired after July 1, 1992

Notwithstanding section 17708, a state police officer hired after July 1, 1992 shall contribute to the retirement system at a rate of 1% of earnable compensation in addition to the contribution required under section 17708.

Sec. ZZ-5. 5 MRSA §17709-A is enacted to read:

§17709-A. Inland fisheries and wildlife officers; members hired after July 1, 1992

Notwithstanding section 17709, a law enforcement officer in the Department of Inland Fisheries and Wildlife hired after July 1, 1992 shall contribute to the retirement system at a rate of 1% of earnable compensation in addition to the contribution required under section 17709.

Sec. ZZ-6. 5 MRSA §17710-A is enacted to read:

§17710-A. Marine resources officers; members hired after July 1, 1992

Notwithstanding section 17710, a law enforcement officer in the Department of Marine Resources hired after July 1, 1992 shall contribute to the retirement system at a rate of 1% of earnable compensation in addition to the contribution required under section 17710.

Sec. ZZ-7. 5 MRSA §17711-A is enacted to read:

§17711-A. Forest rangers; members hired after July 1, 1992

Notwithstanding section 17711, a forest ranger in the Department of Conservation, Bureau of Forestry hired after July 1, 1992 shall contribute to the retirement system at a rate of 1%

of earnable compensation in addition to the contribution required
under section 17711.

Sec. ZZ-8. 5 MRSA §17712-A is enacted to read:

§17712-A. Maine State Prison employees; members hired after
July 1, 1992

Notwithstanding section 17712, an employee of the Maine
State Prison who holds a position described in section 17851,
subsection 11 and who is hired after July 1, 1992 shall
contribute to the retirement system at a rate of 1% of earnable
compensation in addition to the contribution required under
section 17712.

Sec. ZZ-9. Intent. It is the intent of this Part that, for
each dollar collected from a member of the Maine State Retirement
System hired after July 1, 1992, the employer's share must be
reduced by a percentage determined by the Maine State Retirement
System. The percentage at this time is approximately 80%.

Sec. ZZ-10. Transfer of funds. For members of the Maine State
Retirement System hired after July 1, 1992, the State Controller
shall withhold from any payroll check paid to the member the full
percentage rate or, in cases where the employer is paying the
pick-up rate, 1% will be withheld from the employee. The amount
equal to the additional 1% deducted from each employee's paycheck
under this Part must be retained in the account from which the
salary was paid. The amounts retained in the General Fund must
be deposited in a suspense account. Part of those funds will be
used to pay the Maine State Retirement System. The State
Controller shall notify the Maine State Retirement System of the
amount withheld from the employee's paycheck in order that the
amount may be credited to the employee's account. The State
Controller shall pay to the Maine State Retirement System the
amount of the employer share, the pick-up amount and the amount
in excess of the pick-up share in order to give credit to the
employee for the additional 1%. Any amount remaining in the
suspense account must be transferred to the General Fund prior to
the end of the fiscal year. It is the intent that this process
be used for fiscal year 1992-93 and that, when the Maine State
Retirement System calculates the percentages for future budgets,
the State's share be reduced an appropriate amount due to the
increased contribution by the employees.

The Director of the Maine State Retirement System shall
notify the State Controller of the actual amount of funds the

2 system has received from teachers throughout the State because of
3 the additional 1% withheld from their payroll checks and an
4 estimate of the amount to be collected for the remainder of the
5 fiscal year and the comparable amount that the State can reduce
6 the payment to the Maine State Retirement System for teachers'
7 retirement. The amount remaining in the teachers' retirement
8 account must lapse to the General Fund before the end of the
9 fiscal year. It is the intent that this process be used for
10 fiscal year 1992-93 and that, when the Maine State Retirement
11 System calculates the percentages for future budgets, the State's
12 share be reduced an appropriate amount due to the increased
13 contribution by the employee.

14 **Sec. ZZ-11. Application.** This Part applies to persons first
15 hired by the State after July 1, 1992 and to persons in state
16 service prior to that date who separate from state service and
17 are rehired after July 1, 1992. It does not apply to persons
18 placed on laid-off status before or after that date who are
19 recalled to active status after July 1, 1992.

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PART AAA

24 **Sec. AAA-1. Salary adjustment.** Notwithstanding any other
25 provision of law, the annual salary of any person who received at
26 least a 3% cost-of-living salary adjustment on or subsequent to
27 April 1, 1991 and who is employed by the State, including
28 probationary employees and including employees of the University
29 of Maine System, the Maine Technical College System and the Maine
30 Maritime Academy, and whose annual salary exceeds \$50,000 is
31 reduced by 3% effective at the beginning of the pay period
32 closest to July 1, 1992. Any savings realized by the University
33 of Maine System, the Maine Technical College System and the Maine
34 Maritime Academy must be used to offset any proposed or
35 implemented tuition increases.

36

38 **Sec. AAA-2. Additional salary adjustment.** Notwithstanding any
39 other provision of law, the annual salary of any person employed
40 by the State, including probationary employees and including
41 employees of the University of Maine System, the Maine Technical
42 College System and the Maine Maritime Academy, that exceeds
43 \$50,000 is reduced by 2% effective at the beginning of the pay
44 period closest to July 1, 1992. Any savings realized by the
45 University of Maine System, the Maine Technical College System
46 and the Maine Maritime Academy must be used to offset any
proposed or implemented tuition increases.

2 Provides for the deappropriation of funds
3 from the 2% reduction of salaries for all
4 employees with an annual adjusted salary in
5 excess of \$50,000 in the executive branch of
6 government pursuant to section 2 of this
7 Part.

8 **DEPARTMENT OF ADMINISTRATIVE AND**
9 **FINANCIAL SERVICES**
10 **TOTAL**

(\$492,814)

12 **JUDICIAL DEPARTMENT**

14 **Courts - Supreme, Superior, District**
15 **and Administrative**

16 Personal Services

(\$11,275)

18 Provides for the deappropriation of funds
19 from the 3% reduction of salaries for all
20 employees with an annual adjusted salary in
21 excess of \$50,000 in accordance with section
22 1 of this Part.

24 **Courts - Supreme, Superior, District**
25 **and Administrative**

28 Personal Services

(\$8,862)

30 Provides for the deappropriation of funds
31 from the 2% reduction of salaries for all
32 employees with an annual adjusted salary in
33 excess of \$50,000 in accordance with section
34 2 of this Part.

36 **JUDICIAL DEPARTMENT**
37 **TOTAL**

(\$20,137)

38 **LEGISLATURE**

40 **Legislature**

42 Personal Services

(\$11,847)

44 Provides for the deappropriation of funds
45 from the 3% reduction of salaries for all
46 employees with an annual adjusted salary in

2 excess of \$50,000 in accordance with section
1 of this Part.

4 **Legislature**

6 Personal Services (\$17,852)

8 Provides for the deappropriation of funds
from the 2% reduction of salaries for all
10 employees with an annual adjusted salary in
12 excess of \$50,000 in accordance with section
2 of this Part.

14 **LEGISLATURE**
16 **TOTAL**

(\$29,699)

18 **SECTION AAA-5**
TOTAL APPROPRIATIONS

(\$542,650)

20 **PART BBB**

22 **Sec. BBB-1. Pretax accounts for certain state employee benefits.**

24 Notwithstanding any other provision of law, the Commissioner of
Administrative and Financial Services shall adopt rules to allow
26 state employees to make payroll deductions for health care and
dependent day-care expenses that qualify as a "cafeteria plan"
pursuant to the United States Internal Revenue Code, Section 125,
28 as amended.

30 **PART CCC**

32 **Sec. CCC-1. Calculation and transfer.** Notwithstanding the

34 Maine Revised Statutes, Title 5, section 1585, the State Budget
Officer shall calculate the amount in sections 6 to 9 of this
36 Part that applies against each General Fund, Other Special
Revenue, enterprise or internal service fund account for all
38 departments and agencies based on the total appropriations and
allocations to those accounts, except for the following accounts:
40 General Purpose Aid to Local Schools; Education in the
Unorganized Territory; Debt Service - Treasury; Teacher
42 Retirement; Aid to Families with Dependent Children; Aid to
Families with Dependent Children - Foster Care; General
44 Assistance; Maine Health Program; Intermediate Care - Payments to
Providers; Medical Care - Payments to Providers; Bureau of
46 Rehabilitation; and Bureau of Rehabilitation - Vocational
48 Rehabilitation. In addition, the amount of funds appropriated or
allocated for higher education programs, grants to municipalities

2 and schools and grants to public and private organizations are
excepted from this calculation. The State Budget Officer shall
4 cause the calculated amount to be transferred from each account.

6 **Sec. CCC-2. Implementation; detailed plan.** Each department and
agency affected by this Part shall submit a detailed
8 implementation plan in accordance with the requirements of
sections 1 and 4 of this Part, which must be approved in advance
10 of any implementation by the Commissioner of Administrative and
Financial Services, upon the recommendation of the State Budget
12 Officer. The heads of all departments and agencies must prorate
the reductions required by sections 1, 6, 7, 8 and 9 of this Part
14 among the line categories in a way to achieve permanent savings
and that are in proportion to their existing appropriations and
16 allocations and as excepted by section 1 of this Part. The
Commissioner of Administrative and Financial Services, in
18 approving each detailed plan, is authorized to adjust the
reduction among accounts and line categories only under
20 extenuating circumstances.

22 **Sec. CCC-3. Report.** The Commissioner of Administrative and
Financial Services shall submit a report on the implementation of
24 this Part to the Joint Standing Committee on Appropriations and
Financial Affairs no later than September 30, 1992.

26 **Sec. CCC-4. Program or service eliminations.** In implementing
this Part, the heads of all departments and agencies in State
28 Government, along with the Commissioner of Administrative and
Financial Services and the State Budget Officer, shall take all
30 necessary precautions to ensure that no program or service
otherwise authorized by the Legislature is eliminated in fiscal
32 year 1992-93 as a result of this Part.

34 **Sec. CCC-5. Transfer of savings.** Notwithstanding the Maine
Revised Statutes, Title 5, section 1585, or any other provision
36 of law, the State Budget Officer is authorized to transfer all
savings occurring as a result of sections 7 to 9 of this Part to
38 the General Fund as undedicated revenue on a periodic basis, but
not later than June 30, 1993. The State Budget Officer shall
40 provide a status report on the amounts being transferred to the
General Fund by January 15, 1993.

42 **Sec. CCC-6. Appropriation.** The following funds are
44 appropriated from the General Fund to carry out the purposes of
this Part.

46
48 1992-93

2 **ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

4 **Departments and Agencies - Statewide**

6 All Other (\$3,015,000)

8 Provides for the deappropriation of funds by
an across-the-board reduction of
10 approximately 0.9% in fiscal year 1992-93
except as provided in section 1 of this Part.

12 **Sec. CCC-7. Allocation.** The following funds are allocated
14 from Other Special Revenue to carry out the purposes of this Part.

16 **1992-93**

18 **ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

20 **Departments and Agencies - Statewide**

22 Unallocated (\$900,000)

24 Provides for the deallocation of funds by an
26 across-the-board reduction of approximately
0.9% in fiscal year 1992-93 except as
28 provided in section 1 of this Part.

30 **Sec. CCC-8. Allocation.** The following funds are allocated
32 from the various internal service funds to carry out the purpose
of this Part.

34 **1992-93**

36 **ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

38 **Departments and Agencies - Statewide**

40
42 Unallocated (\$540,000)

44 Provides for the deallocation of funds by an
46 across-the-board reduction of approximately
0.9% in fiscal year 1992-93 except as
48 provided in section 1 of this Part.

Sec. CCC-9. Allocation. The following funds are allocated from the various enterprise funds to carry out the purposes of this Part.

1992-93

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide

Unallocated (\$171,000)

Provides for the deallocation of funds by an across-the-board reduction of approximately 0.9% in fiscal year 1992-93 except as provided in section 1 of this Part.'

Further amend the amendment by relettering the Parts to read consecutively.

FISCAL NOTE

This amendment makes a number of changes to General Fund appropriations and revenues that, in total, will increase the total General Fund savings of the bill in fiscal year 1992-93 by \$150,766. Modifying the payroll dates will create a future cost in fiscal year 1993-94.

STATEMENT OF FACT

This amendment does the following:

1. Achieves additional revenue in the Abandoned Property Program;

2. Amends Part WW in order to remove the repeal of Private and Special Law 1991, chapter 65 and to reduce the "3-hour workweek" proposal from 3 hours to one hour;

3. Makes a number of deappropriations and appropriations to achieve additional General Fund savings;

4. Modifies the final payroll dates for state employees in Cycle A and Cycle B in fiscal year 1992-93 only, so that each cycle will be paid on July 1, 1993;

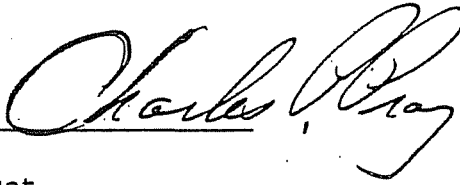
2 5. Implements a 1% increase in contributions to the Maine
State Retirement System for new employees;

4
6 6. Implements a 3% and 2% salary adjustment for state
employees earning more than \$50,000;

8 7. Authorizes "pretax accounts" for certain state employee
benefits;

10
12 8. Implements a 0.9% across-the-board reduction to certain
General Fund, Other Special Revenue, internal service and
enterprise accounts.

16
18 (President PRAY)
SPONSORED BY:



20 COUNTY: Penobscot

22
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(3/29/92) (Filing No. S-755)