

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-1997

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Legislative Document

No. 1862

S.P. 640

In Senate, May 2, 1997

**An Act to Fund the Collective Bargaining Agreement for the Maine State  
Police Bargaining Unit.**

(EMERGENCY)

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by President LAWRENCE of York. (GOVERNOR'S BILL).  
Cosponsored by Speaker MITCHELL of Vassalboro.

**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 a state collective bargaining agreement will become due and payable immediately; and

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

Whereas, the Governor and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining; 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.** There is appropriated in Part B of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$56,000 for the fiscal year ending June 30, 1997; in the amount of \$62,000 for the fiscal year ending June 30, 1998; and in the amount of \$126,000 for the fiscal year ending June 30, 1999 to implement the economic terms of the collective bargaining agreement made by the State and the Maine State Troopers Association for the state police bargaining unit.

**Sec. A-2. Costs to the Highway Fund.** There is allocated in Part B of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$168,000 for the fiscal year ending June 30, 1997; in the amount of \$93,000 for the fiscal year ending June 30, 1998; and in the amount of \$189,000 for the fiscal year ending June 30, 1999 to fund salary and benefit changes of the collective bargaining agreement made by the State and the Maine State Troopers Association for the state police bargaining unit.

**Sec. A-3. Special account funding.** Funding provided by this Act 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 the Highway Fund must be funded whenever possible from those other sources.

**Sec. A-4. Lump-sum payment.** A lump-sum payment equal to 2.25% of the employee's base rate paid for the first 26 paychecks in calendar year 1996 must be paid to each employee included in the state police bargaining unit, consistent with the terms of the collective bargaining agreement. This sum may not be considered earnable compensation under the Maine State Retirement System.

**Sec. A-5. Adjustment of salary schedules for fiscal year 1997-98.** Effective at the beginning of the pay week commencing closest to July 1, 1997, the salary schedules for employees in the state police bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreement.

**Sec. A-6. Adjustment of salary schedules for fiscal year 1998-99.** Effective at the beginning of the pay week commencing closest to July 1, 1998, the salary schedules for employees in the state police bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreement.

**Sec. A-7. New employees; similar and equitable treatment.** Employees in classifications included in the state police bargaining unit who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F must be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreement, except that nonstatus employees in acting capacity, intermittent or project positions may not receive any lump-sum payment provided in section 4 of this Part.

## **PART B**

**Sec. B-1. Transfer from salary plan.** The salary plan program in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and the approval of the Governor to be used for the implementation of the collective bargaining agreement for state employees in fiscal year 1996-97, fiscal year 1997-98 and fiscal year 1998-99.

**Sec. B-2. Carrying clause.** Any balances remaining in the General Fund and the Highway Fund salary plan accounts in the

Department of Administrative and Financial Services may not lapse but must be carried forward to June 30, 1999 to be used for the purposes of this Act.

**Sec. B-3. Authorization for reimbursement of costs associated with contract resolution.** The Department of Administrative and Financial Services may be reimbursed from the special accounts funded by this Act for the costs of contract resolution, administration and implementation and other costs required by the process of collective bargaining and negotiation procedures.

**Sec. B-4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1996-97	1997-98	1998-99
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>			
<b>Salary Plan</b>			

Personal Services	\$56,000	\$62,000	\$126,000
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**Sec. B-5. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1996-97	1997-98	1998-99
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>			

**Salary Plan**

Personal Services	\$168,000	\$93,000	\$189,000
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**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

**SUMMARY**

Part A provides funding and implementation of the cost items in the collective bargaining agreement reached between the State and the Maine State Troopers Association for the state police bargaining unit.

2           1. It reflects the costs from the General Fund to fund the  
bargaining agreement.

4           2. It reflects the costs from the Highway Fund to fund the  
bargaining agreement.

6           3. It provides authorization for the approval and use of  
8 those funds.

10          4. It provides for a lump-sum payment for bargaining unit  
members.

12          5. It provides for the adjustment of salary schedules in  
14 fiscal year 1997-98 for bargaining unit members.

16          6. It provides for the adjustment of salary schedules in  
18 fiscal year 1998-99 for bargaining unit members.

20          7. It provides for similar and equitable treatment of  
probationary and other employees in classifications in the state  
police bargaining unit.

22               Part B of this bill provides for appropriations from the  
24 General Fund and allocations from the Highway Fund for Part A and  
provides for the transfer of funds from the salary plan to be  
26 used for the implementation of the collective bargaining  
agreement. It also provides that funds appropriated under this  
28 Act carry over until June 30, 1999, and provides for  
reimbursement to the Department of Administrative and Financial  
30 Services for costs incurred in the process of collective  
bargaining and contract administration and related costs.

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