

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1594

S.P. 601

In Senate, December 18, 2009

An Act To Restore Longevity Pay

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 18, 2009. Referred to the Committee on Appropriations and Financial Affairs pursuant to Joint Rule 308.2 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 MITCHELL of Kennebec.
Cosponsored by Representative BUTTERFIELD of Bangor and
Senators: DAVIS of Cumberland, JACKSON of Aroostook, MARRACHÉ of Kennebec,
McCORMICK of Kennebec, Representatives: BLODGETT of Augusta, CROCKETT of
Augusta, SMITH of Monmouth, TREAT of Hallowell.

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

3 **Whereas,** this legislation requires transfers of funds from accounts no later than
4 June 30, 2010; and

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

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

10 **Sec. 1.** PL 2009, c. 213, Pt. LL, §8 is amended to read:

11 **Sec. LL-8. Lapsed Personal Services balances; Legislature; Personal**
12 **Services cost-saving measures.** Notwithstanding any other provision of law,
13 ~~\$695,619~~ \$651,129 of unencumbered balance forward in the Personal Services line
14 category in the Legislative General Fund account in the Legislature lapses to the General
15 Fund in fiscal year 2009-10. In addition, ~~\$999,068~~ \$953,429 of unencumbered balance
16 forward in the Personal Services line category in the Legislative General Fund account in
17 the Legislature lapses to the General Fund in fiscal year 2010-11. These balances will be
18 available as a result of implementing Personal Services cost-saving measures determined
19 by the Legislative Council.

20 **Sec. 2.** PL 2009, c. 213, Pt. LL, §9 is amended to read:

21 **Sec. LL-9. Lapsed Personal Services balances; Law and Legislative**
22 **Reference Library; Personal Services cost-saving measures.** Notwithstanding
23 any other provision of law, ~~\$65,929~~ \$61,395 of unencumbered balance forward in the
24 Personal Services line category in the Law and Legislative Reference Library General
25 Fund account in the Legislature lapses to the General Fund in fiscal year 2009-10. In
26 addition, ~~\$87,849~~ \$82,483 of unencumbered balance forward in the Personal Services line
27 category in the Law and Legislative Reference Library General Fund account in the
28 Legislature lapses to the General Fund in fiscal year 2010-11. These balances will be
29 available as a result of implementing Personal Services cost-saving measures determined
30 by the Legislative Council.

31 **Sec. 3.** PL 2009, c. 213, Pt. LL, §10 is amended to read:

32 **Sec. LL-10. Lapsed Personal Services balances; Office of Program**
33 **Evaluation and Government Accountability; Personal Services cost-saving**
34 **measures.** Notwithstanding any other provision of law, ~~\$56,208~~ \$55,376 of
35 unencumbered balance forward in the Personal Services line category in the Office of
36 Program Evaluation and Government Accountability General Fund account in the
37 Legislature lapses to the General Fund in fiscal year 2009-10. In addition, ~~\$81,045~~
38 \$80,213 of unencumbered balance forward in the Personal Services line category in the
39 Office of Program Evaluation and Government Accountability General Fund account in

1 the Legislature lapses to the General Fund in fiscal year 2010-11. These balances will be
2 available as a result of implementing Personal Services cost-saving measures determined
3 by the Legislative Council.

4 **Sec. 4. PL 2009, c. 213, Pt. RRR, §1** is amended to read:

5 **Sec. RRR-1. Transfer from Other Special Revenue Funds accounts.** The
6 State Controller shall transfer to General Fund unappropriated surplus the following
7 amounts from the departments and accounts listed based on available Personal Services
8 line category allocations as a result of the savings initiatives in this Act:

9 1. From the Department of Agriculture, Food and Rural Resources, Maine Milk
10 Commission, Other Special Revenue Funds account, ~~\$11,753~~ \$10,193 no later than June
11 30, 2010 and ~~\$12,220~~ \$10,660 no later than June 30, 2011;

12 2. From the Department of Agriculture, Food and Rural Resources, Board of
13 Pesticides Control, Other Special Revenue Funds account, ~~\$54,183~~ \$46,792 no later than
14 June 30, 2010 and ~~\$55,575~~ \$48,127 no later than June 30, 2011;

15 3. From the Department of Audit, Statewide Single Audit - Set Aside, Other Special
16 Revenue Funds account, ~~\$77,723~~ \$74,811 no later than June 30, 2010 and ~~\$79,928~~
17 \$76,999 no later than June 30, 2011;

18 4. From the Department of Conservation, ATV Recreational Management Fund,
19 Other Special Revenue Funds account, ~~\$10,866~~ \$9,826 no later than June 30, 2010 and
20 ~~\$11,013~~ \$9,973 no later than June 30, 2011;

21 5. From the Department of Conservation, Boating Facilities Fund, Other Special
22 Revenue Funds account, ~~\$42,115~~ \$37,071 no later than June 30, 2010 and ~~\$42,991~~
23 \$37,583 no later than June 30, 2011;

24 6. From the Department of Conservation, Maine State Parks and Recreational
25 Facilities Development Fund, Other Special Revenue Funds account, ~~\$22,763~~ \$21,099 no
26 later than June 30, 2010 and ~~\$23,548~~ \$21,815 no later than June 30, 2011;

27 7. From the Department of Conservation, Snowmobile Trail Fund, Other Special
28 Revenue Funds account, ~~\$19,124~~ \$17,185 no later than June 30, 2010 and ~~\$19,493~~
29 \$17,381 no later than June 30, 2011;

30 8. From the Department of Economic and Community Development, Tourism
31 Marketing Promotion Fund, Other Special Revenue Funds account, ~~\$34,525~~ \$33,693 no
32 later than June 30, 2010 and ~~\$35,293~~ \$34,461 no later than June 30, 2011;

33 9. From the Department of Environmental Protection, Maine Coastal and Inland
34 Surface Oil Clean-up Fund, Other Special Revenue Funds account, ~~\$133,234~~ \$116,731
35 no later than June 30, 2010 and ~~\$136,408~~ \$119,231 no later than June 30, 2011;

36 10. From the Commission on Governmental Ethics and Election Practices, Maine
37 Clean Election Fund, Other Special Revenue Funds account, \$18,942 no later than June
38 30, 2010 and \$21,933 no later than June 30, 2011;

- 1 11. From the Public Utilities Commission, Office of the Public Advocate, Public
2 Advocate Regulatory Fund, Other Special Revenue Funds account, ~~\$56,924~~ \$51,516 no
3 later than June 30, 2010 and ~~\$57,780~~ \$52,372 no later than June 30, 2011;

- 4 12. From the Executive Department, State Planning Office, State Planning Office
5 Solid Waste Management Fund, Other Special Revenue Funds account, ~~\$22,532~~ \$21,700
6 no later than June 30, 2010 and ~~\$23,161~~ \$22,329 no later than June 30, 2011;

- 7 13. From the Maine Health Data Organization, Maine Health Data Organization,
8 Other Special Revenue Funds account, ~~\$26,403~~ \$22,503 no later than June 30, 2010 and
9 ~~\$26,824~~ \$22,872 no later than June 30, 2011;

- 10 14. From the Department of Marine Resources, Division of Community Resource
11 Development program Shellfish Fund, Other Special Revenue Funds account, ~~\$12,553~~
12 \$11,513 no later than June 30, 2010 and ~~\$13,109~~ \$11,445 no later than June 30, 2011;

- 13 15. From the Department of Marine Resources, Lobster Management -
14 Administration, Other Special Revenue Funds account, ~~\$15,235~~ \$12,982 no later than
15 June 30, 2010 and ~~\$15,795~~ \$13,299 no later than June 30, 2011;

- 16 16. From the Department of Marine Resources, Lobster Management Fund, Other
17 Special Revenue Funds account, \$20,145 no later than June 30, 2010 and \$20,721 no later
18 than June 30, 2011;

- 19 17. From the Department of Marine Resources, Marine Fisheries Research and
20 Development Fund, Other Special Revenue Funds account, ~~\$34,592~~ \$33,864 no later than
21 June 30, 2010 and ~~\$35,835~~ \$35,055 no later than June 30, 2011;

- 22 18. From the Department of Marine Resources, Watercraft Fund, Other Special
23 Revenue Funds account, ~~\$18,261~~ \$17,637 no later than June 30, 2010 and ~~\$19,054~~
24 \$18,430 no later than June 30, 2011;

- 25 19. From the Department of Professional and Financial Regulation, Administrative
26 Services Division, Other Special Revenue Funds account, \$23,548 no later than June 30,
27 2010 and \$24,559 no later than June 30, 2011;

- 28 20. From the Department of Professional and Financial Regulation, Licensing and
29 Enforcement Division, Other Special Revenue Funds account, ~~\$216,276~~ \$195,181 no
30 later than June 30, 2010 and ~~\$222,289~~ \$199,391 no later than June 30, 2011;

- 31 21. From the Department of Professional and Financial Regulation, Board of
32 Licensure in Medicine, Other Special Revenue Funds account, ~~\$43,991~~ \$39,623 no later
33 than June 30, 2010 and ~~\$45,205~~ \$40,837 no later than June 30, 2011;

- 34 22. From the Department of Professional and Financial Regulation, Office of
35 Securities, Other Special Revenue Funds account, ~~\$47,748~~ \$45,356 no later than June 30,
36 2010 and ~~\$49,416~~ \$47,024 no later than June 30, 2011;

1 23. From the Department of Professional and Financial Regulation, State Board of
2 Nursing, Other Special Revenue Funds account, ~~\$31,934~~ \$26,786 no later than June 30,
3 2010 and ~~\$32,902~~ \$27,494 no later than June 30, 2011;

4 24. From the Department of Public Safety, Licensing and Enforcement - Public
5 Safety program, Other Special Revenue Funds account, ~~\$33,359~~ \$29,857 no later than
6 June 30, 2010 and ~~\$34,241~~ \$30,497 no later than June 30, 2011;

7 25. From the Department of Public Safety, Maine Criminal Justice Academy, Other
8 Special Revenue Funds account, \$40,144 \$38,220 no later than June 30, 2010 and
9 ~~\$41,063~~ \$38,463 no later than June 30, 2011;

10 26. From the Public Utilities Commission, Conservation Administration Fund, Other
11 Special Revenue Funds account, ~~\$43,802~~ \$42,367 no later than June 30, 2010 and
12 ~~\$46,073~~ \$43,910 no later than June 30, 2011;

13 27. From the Public Utilities Commission, Emergency Services Communication
14 Bureau, Other Special Revenue Funds account, ~~\$23,348~~ \$21,559 no later than June 30,
15 2010 and ~~\$23,836~~ \$21,995 no later than June 30, 2011;

16 28. From the Public Utilities Commission, Public Utilities Commission Regulatory
17 Fund, Other Special Revenue Funds account, ~~\$297,759~~ \$277,045 no later than June 30,
18 2010 and ~~\$311,195~~ \$288,731 no later than June 30, 2011; and

19 29. From the Workers' Compensation Board, Workers' Compensation Board
20 Administrative Fund, Other Special Revenue Funds account, ~~\$428,740~~ \$380,380 no later
21 than June 30, 2011.

22 **Sec. 5. PL 2009, c. 213, Pt. SSS, §4** is amended to read:

23 **Sec. SSS-4. Merit increases.** Notwithstanding the Maine Revised Statutes, Title
24 26, section 979-D or section 1285 or any other provision of law, any merit increase ~~or~~
25 ~~longevity payment~~, regardless of funding source, scheduled to be awarded or paid
26 between July 1, 2009 and June 30, 2011 to any person employed by the departments and
27 agencies within the executive and judicial branches, including the constitutional officers
28 and the Department of Audit, may not be awarded, authorized or implemented. These
29 savings may be replaced by other Personal Services savings by agreement of the State
30 and the bargaining agents representing state employees.

31 **Sec. 6. PL 2009, c. 213, Pt. SSS, §5** is amended to read:

32 **Sec. SSS-5. Personal Services adjustments for the 2010-2011 biennium;**
33 **legislative branch.** Notwithstanding the State Employees Labor Relations Act or any
34 other provision of law, the Personal Services expenditures for the legislative branch must
35 be adjusted to achieve Personal Services savings in a manner determined by the
36 Legislative Council including implementation of office closures and suspension of merit
37 or step increases ~~and longevity stipends~~ for the 2010-2011 biennium.

38 **Sec. 7. PL 2009, c. 213, Pt. SSS, §7** is amended to read:

1 **Sec. SSS-7. Calculation and transfer.** Notwithstanding any other provision of
 2 law, the State Budget Officer shall calculate the amount of savings in section 8 of this
 3 Part that applies against each General Fund account for all departments and agencies
 4 from savings associated with eliminating merit pay increases and eliminating and
 5 restoring longevity payments and shall transfer the amounts by financial order upon the
 6 approval of the Governor. These transfers are considered adjustments to appropriations in
 7 fiscal year 2009-10 and fiscal year 2010-11. The State Budget Officer shall provide a
 8 report of the transferred amounts to the Joint Standing Committee on Appropriations and
 9 Financial Affairs no later than October 1, 2009.

10 **Sec. 8. PL 2009, c. 413, Pt. S, §1** is amended to read:

11 **Sec. S-1. Calculation and transfer; longevity payment savings.**
 12 Notwithstanding any other provision of law, the State Budget Officer shall calculate the
 13 amount of savings identified in section 2 of this Part that applies against each Highway
 14 Fund account for all departments and agencies from savings associated with
 15 ~~implementation of Public Law 2009, chapter 213, Part SSS, section 4~~ eliminating and
 16 restoring longevity payments and shall transfer the amounts by financial order upon the
 17 approval of the Governor. These transfers are considered adjustments to allocations in
 18 fiscal years 2009-10 and 2010-11.

19 **Sec. 9. Appropriations and allocations.** The following appropriations and
 20 allocations are made.

21 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
 22 **Departments and Agencies - Statewide 0016**

23 Initiative: Allocates funds to restore longevity payments.

24

25 HIGHWAY FUND	2009-10	2010-11
26 Personal Services	\$430,656	\$450,450
27		
28 HIGHWAY FUND TOTAL	<u>\$430,656</u>	<u>\$450,450</u>

29 **Executive Branch Departments and Independent Agencies - Statewide 0017**

30 Initiative: Appropriates funds to restore longevity payments.

31

32 GENERAL FUND	2009-10	2010-11
33 Personal Services	\$1,685,067	\$1,738,792
34		
35 GENERAL FUND TOTAL	<u>\$1,685,067</u>	<u>\$1,738,792</u>

36

1	ADMINISTRATIVE AND FINANCIAL		
2	SERVICES, DEPARTMENT OF		
3	DEPARTMENT TOTALS	2009-10	2010-11
4			
5	GENERAL FUND	\$1,685,067	\$1,738,792
6	HIGHWAY FUND	\$430,656	\$450,450
7			
8	DEPARTMENT TOTAL - ALL FUNDS	\$2,115,723	\$2,189,242

9 **JUDICIAL DEPARTMENT**
10 **Courts - Supreme, Superior and District 0063**
11 Initiative: Appropriates funds to restore longevity payments.

12			
13	GENERAL FUND	2009-10	2010-11
14	Personal Services	\$334,293	\$342,746
15			
16	GENERAL FUND TOTAL	\$334,293	\$342,746

17			
18	JUDICIAL DEPARTMENT		
19	DEPARTMENT TOTALS	2009-10	2010-11
20			
21	GENERAL FUND	\$334,293	\$342,746
22			
23	DEPARTMENT TOTAL - ALL FUNDS	\$334,293	\$342,746

24			
25	SECTION TOTALS	2009-10	2010-11
26			
27	GENERAL FUND	\$2,019,360	\$2,081,538
28	HIGHWAY FUND	\$430,656	\$450,450
29			
30	SECTION TOTAL - ALL FUNDS	\$2,450,016	\$2,531,988

31 **Emergency clause.** In view of the emergency cited in the preamble, this
32 legislation takes effect when approved, except as otherwise indicated.

33 **SUMMARY**

34 This bill restores funding for longevity payments to state, judicial and legislative
35 employees.