

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

---

Legislative Document

No. 1644

---

H.P. 1135

House of Representatives, June 28, 2017

### **An Act To Fund the Agreement with Executive Branch Employees**

(AFTER DEADLINE)

(EMERGENCY)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Speaker GIDEON of Freeport. (GOVERNOR'S BILL)  
Cosponsored by President THIBODEAU of Waldo and  
Representative: FREDETTE of Newport, Senator: JACKSON of Aroostook.

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,** certain obligations and expenses incident to the operation of state  
4 collective bargaining agreements will become due and payable immediately; and

5           **Whereas,** it is the responsibility of the Legislature to act upon those portions of  
6 collective bargaining agreements negotiated by the executive branch that require  
7 legislative action; and

8           **Whereas,** the Governor and the Legislature share a desire to address in a timely  
9 manner the needs of certain state employees excluded from collective bargaining units;  
10 and

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

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

16           **Sec. 1. Adjustment of salary schedules for fiscal years 2017-18 and**  
17 **2018-19.** Effective at the beginning of the pay weeks commencing closest to September  
18 1, 2017 and July 1, 2018, the salary schedules for the executive branch employees in  
19 bargaining units represented by the Maine State Troopers Association and the Maine  
20 State Law Enforcement Association must be adjusted consistent with the terms of any  
21 tentative agreements ratified prior to September 1, 2017.

22           **Sec. 2. Adjustment of salary schedules for fiscal years 2017-18 and**  
23 **2018-19.** The salary schedules for the executive branch employees in bargaining units  
24 represented by the American Federation of State, County and Municipal Employees and  
25 the Maine State Employees Association must be adjusted consistent with the terms of any  
26 tentative agreements ratified prior to September 1, 2017.

27           **Sec. 3. Addition of new steps for certain employees in fiscal years 2017-18**  
28 **and 2018-19.** Effective at the beginning of the pay periods commencing closest to  
29 January 1, 2018, September 1, 2018 and January 1, 2019, the salary schedules for certain  
30 employees of the executive branch in bargaining units represented by the Maine State  
31 Law Enforcement Association must be adjusted by eliminating the first step and adding a  
32 new top step or adding a new top step for those employees at the last step so that  
33 employees are paid at the new rates to which they are assigned in the modified salary  
34 schedule, consistent with the terms of the applicable tentative collective bargaining  
35 agreements ratified prior to September 1, 2017.

36           **Sec. 4. New, temporary and seasonal employees; similar and equitable**  
37 **treatment.** The Governor is authorized to grant similar and equitable treatment  
38 consistent with this Act for employees in classifications included in bargaining units  
39 subject to collective bargaining agreements described in section 7 of this Act who are

1 excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26,  
2 section 979-A, subsection 6, paragraphs E and F.

3 **Sec. 5. Confidential employees; similar and equitable treatment.** The  
4 Governor is authorized to grant similar and equitable treatment consistent with this Act  
5 for confidential employees. For the purposes of this section, "confidential employees"  
6 means those employees within the executive branch, including probationary employees,  
7 who are in positions excluded from bargaining units pursuant to the Maine Revised  
8 Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.

9 **Sec. 6. Employee salaries subject to Governor's adjustment or approval.**  
10 The Governor is authorized to grant similar and equitable treatment consistent with this  
11 Act for those unclassified employees whose salaries are subject to the Governor's  
12 adjustment or approval.

13 **Sec. 7. Costs to General Fund and Highway Fund.** Costs to the General  
14 Fund and Highway Fund must be provided in all or part through a transfer of Personal  
15 Services appropriations within and between departments and agencies from the Salary  
16 Plan program, General Fund account in the Department of Administrative and Financial  
17 Services up to \$8,000,000 for the fiscal year ending June 30, 2018 and up to \$12,000,000  
18 for the fiscal year ending June 30, 2019 to implement the economic terms of the  
19 collective bargaining agreements made in the months of June through September of  
20 calendar year 2017 by the State and the American Federation of State, County and  
21 Municipal Employees, the Maine State Troopers Association, the Maine State Law  
22 Enforcement Association and the Maine State Employees Association, to provide  
23 equitable treatment of employees excluded from bargaining pursuant to the Maine  
24 Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F and,  
25 notwithstanding Title 26, section 979-D, subsection 1, paragraph E, subparagraph (3), to  
26 implement equitable adjustments for confidential employees.

27 **Sec. 8. Transfer of Personal Services appropriations between programs  
28 and departments.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585  
29 or any other provision of law, available balances in the General Fund for Personal  
30 Services in fiscal year 2017-18 and fiscal year 2018-19 may be transferred by financial  
31 order between programs and departments within the General Fund upon recommendation  
32 of the State Budget Officer and approval of the Governor to be used for costs associated  
33 with collective bargaining agreements for state employees.

34 **Sec. 9. Transfer from Salary Plan program and special account funding.**  
35 The Salary Plan program, General Fund account in the Department of Administrative and  
36 Financial Services may be made available as needed in allotment by financial order upon  
37 the recommendation of the State Budget Officer and approval of the Governor to be used  
38 for the implementation of the collective bargaining agreements for state employees and  
39 for other economic items contained in this Act in fiscal years 2017-18 and 2018-19.  
40 Positions supported from sources of funding other than the General Fund and the  
41 Highway Fund must be funded from those other sources.

