

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1735

H.P. 1299

House of Representatives, July 19, 2021

**An Act To Fund Collective Bargaining Agreements with Executive
Branch Employees**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MILLETT of Waterford. (GOVERNOR'S BILL)

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 collective
4 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 legislative
7 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; and

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

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

15 **Sec. 1. Adjustment of salary schedules for fiscal years 2021-22 and 2022-**
16 **23.** The salary schedules for the executive branch employees in bargaining units
17 represented by the American Federation of State, County and Municipal Employees, the
18 Maine State Troopers Association, the Maine State Law Enforcement Association, the
19 Maine Service Employees Association and any other certified bargaining representative for
20 an executive branch bargaining unit must be adjusted consistent with the terms of any
21 agreements ratified by December 31, 2021.

22 **Sec. 2. New, temporary and seasonal employees; similar and equitable**
23 **treatment.** The Governor is authorized to grant similar and equitable treatment consistent
24 with this Act for employees in classifications included in bargaining units subject to
25 collective bargaining agreements described in section 5 of this Act who are excluded from
26 collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A,
27 subsection 6, paragraphs E and F.

28 **Sec. 3. Confidential employees; similar and equitable treatment.** The
29 Governor is authorized to grant similar and equitable treatment consistent with this Act for
30 confidential employees. For the purposes of this section, "confidential employees" means
31 those employees within the executive branch, including probationary employees, who are
32 in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title
33 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.

34 **Sec. 4. Employee salaries subject to Governor's adjustment or approval.**
35 The Governor is authorized to grant similar and equitable treatment consistent with this
36 Act for those unclassified employees whose salaries are subject to the Governor's
37 adjustment or approval.

38 **Sec. 5. Costs to General Fund and Highway Fund.** Costs to the General Fund
39 and Highway Fund must be provided wholly or in part through a transfer of Personal
40 Services appropriations within and between departments and agencies from the Salary Plan
41 program, General Fund account in the Department of Administrative and Financial
42 Services up to \$20,000,000 for the fiscal year ending June 30, 2022 and up to \$25,000,000

1 for the fiscal year ending June 30, 2023 to implement the economic terms of the most recent
2 collective bargaining agreements made from July 2021 to December 2021 by the State and
3 the American Federation of State, County and Municipal Employees, the Maine State
4 Troopers Association, the Maine State Law Enforcement Association, the Maine Service
5 Employees Association and any other certified bargaining representative for an executive
6 branch bargaining unit, to provide equitable treatment of employees excluded from
7 bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6,
8 paragraphs E and F and, notwithstanding Title 26, section 979-D, subsection 1, paragraph
9 E, subparagraph (3), to implement equitable adjustments for confidential employees.

10 **Sec. 6. Lump-sum payment.** Any lump-sum payments made pursuant to the terms
11 of the collective bargaining agreements funded by this Act may not be considered earnable
12 compensation for retirement purposes.

13 **Sec. 7. Transfer of Personal Services appropriations between programs
14 and departments; General Fund.** Notwithstanding the Maine Revised Statutes, Title
15 5, section 1585 or any other provision of law to the contrary, available balances in the
16 General Fund for Personal Services in fiscal year 2021-22 and fiscal year 2022-23 may be
17 transferred by financial order between programs and departments within the General Fund
18 upon recommendation of the State Budget Officer and approval of the Governor to be used
19 for costs associated with collective bargaining agreements for state employees.

20 **Sec. 8. Transfer from Salary Plan program and special account funding.**
21 The Salary Plan program, General Fund account in the Department of Administrative and
22 Financial Services may be made available as needed in allotment by financial order upon
23 the recommendation of the State Budget Officer and approval of the Governor to be used
24 for the implementation of the collective bargaining agreements for state employees and for
25 other economic items contained in this Act in fiscal years 2021-22 and 2022-23. Positions
26 supported from sources of funding other than the General Fund and the Highway Fund
27 must be funded from those other sources.

28 **Sec. 9. Transfer of Personal Services allocations between programs and
29 departments; Highway Fund.** Notwithstanding the Maine Revised Statutes, Title 5,
30 section 1585 or any other provision of law to the contrary, available balances in the
31 Highway Fund for Personal Services in fiscal year 2021-22 and fiscal year 2022-23 may
32 be transferred by financial order between programs and departments within the Highway
33 Fund upon recommendation of the State Budget Officer and approval of the Governor to
34 be used for costs associated with collective bargaining agreements for state employees.

35 **Sec. 10. Authorization for reimbursement of costs associated with contract
36 resolution.** The Department of Administrative and Financial Services may be reimbursed
37 from the Salary Plan program, General Fund account in the Department of Administrative
38 and Financial Services for the costs of contract resolution, administration and
39 implementation and other costs required by the process of collective bargaining and
40 negotiation procedures.

41 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
42 takes effect when approved.

1 **SUMMARY**

2 This bill implements the cost items in the collective bargaining agreements reached
3 between the State and the American Federation of State, County and Municipal Employees,
4 the Maine State Troopers Association, the Maine State Law Enforcement Association, the
5 Maine Service Employees Association and any other certified bargaining representative for
6 an executive branch bargaining unit and provides for equitable treatment for confidential
7 employees and certain other employees excluded from collective bargaining.

8 The bill specifies the costs from the General Fund and Highway Fund to fund salary
9 increases and authorizes the transfer by financial order of available General Fund and
10 Highway Fund balances as necessary.

11 The bill provides for the adjustment of certain salary schedules in fiscal year 2021-22
12 and in fiscal year 2022-23 consistent with agreements ratified by December 31, 2021. The
13 bill provides for similar and equitable treatment of confidential employees, probationary
14 employees and other employees excluded from collective bargaining.