

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
THIRD SPECIAL SESSION

of the
ONE HUNDRED AND NINTH LEGISLATURE

May 22, 1980

0359 Highway-Bond Retirement	2-751		
Unallocated		5,180,000	1,860,000 1,290,000
0406 Highway-Highway and Bridge			
Improvements	2-753		
Unallocated		1,200,000	3,200,000 1,800,000

Sec. 11. PL 1979, c. 439, Part A, § 1, the line "Total Allocation," for the years 1979-80 and 1980-81, is amended to read:

Total Allocations	\$95,008,943	\$95,786,207
	\$86,314,543	\$88,782,003

Sec. 12. PL 1979, c. 439, Part A, § 1, last ¶, is amended to read:

Amounting to ~~\$95,008,943~~ \$86,314,543 for the fiscal year ending June 30, 1980, and ~~\$95,786,207~~ \$88,782,003 for the fiscal year ending June 30, 1981.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except sections 1 to 7 of the Act shall take effect on July 1, 1980.

Effective May 27, 1980, Unless otherwise indicated

CHAPTER 739

H. P. 2063 — L. D. 2044

AN ACT to Fund and Implement Benefits for Managerial and Confidential Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, the State has entered into collective bargaining agreements which established terms and conditions of employment for employees included in bargaining units and for whom separate legislation is being submitted; and

Whereas, the employees for whom this legislation is submitted are excluded from bargaining units pursuant to law; and

Whereas, the Governor and the Legislature share a desire to address the needs of state employees excluded from collective bargaining units on a timely basis; 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:

Sec. 1. 5 MRSA § 8, 2nd sentence, as enacted by PL 1979, c. 269, § 8, is amended to read:

For employees and state officers and officials not subject to any such agreement, the State shall pay ~~18¢~~ 20¢ per mile for miles actually traveled by such employees on such business.

Sec. 2. Allocation. There is allocated from the State Contingency Account in the Department of Finance and Administration to a special compensation account the sum of \$241,500 for the fiscal year ending June 30, 1980 to implement the salary increases and benefits provided by this Act.

Sec. 3. Confidential employees. For the purposes of this Act, confidential employees are defined as those within the Executive Branch who are excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D and H.

Sec. 4. Funding. The funding provided by this Act shall include retirement costs and shall be available for all confidential employees, except that such employees supported from sources of funding other than the General Fund shall be funded whenever possible from those sources.

Sec. 5. Special account. The funding provided shall be segregated into a special compensation account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor.

Sec. 6. Adjustment of salary plan. The current state salary schedules for confidential employees shall be adjusted at the start of the pay week closest to July 1, 1980 to reflect an increase of 7% or \$14 per week, whichever is greater, subject to the following provision. With respect to individual unclassified employees whose wage rates are subject to the Governor's determination or approval, the Governor may grant similar and equitable treatment consistent with this section.

Sec. 7. Supervisory differentials. An appointing authority may recommend and the Governor may approve the payment of a salary differential to a confidential employee who is at the maximum of his salary grade and who is earning less than a subordinate who is at the maximum of his grade and who is

receiving nonstandard premium pay pursuant to a labor agreement or a salary differential pursuant to this Act. The total salary paid to any such confidential employee shall not exceed the total salary of the subordinate by more than the difference between the maximum standard base salary of the confidential employees grade and the next lower grade.

Sec. 8. Contribution toward dependent health insurance. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, section 285, subsection 7, effective January 1, 1981, the State shall pay up to \$8 per month towards the cost of dependent health insurance coverage for confidential employees.

Sec. 9. Provision of basic group life insurance. Effective the pay week starting closest to July 1, 1980, the State shall, for confidential employees, pay the premiums for basic group life insurance on the employee, as available pursuant to the Maine Revised Statutes, Title 5, section 1151. This shall not affect the eligibility of any such employee to elect to insure the life of a dependent pursuant to the Maine Revised Statutes, Title 5, section 1151, subsection 2-B.

Sec. 10. Provision for temporary disability. The appointing authority at his discretion may provide to a confidential employee continued salary benefits in the event of that employee's temporary disability, according to the provisions herein.

Any confidential employee, who, after 6 consecutive months of employment, becomes totally disabled and incurs a loss of time from work as a result of sickness or accidental bodily injury which prevents the employee from performing any and every duty of his occupation may receive a benefit payment while he remains totally disabled and under the care of a licensed physician. The benefit payment shall commence on the day immediately following completion of the greater of his accumulated sick leave or 30 days of continuous total disability. It shall continue up to the earliest of:

- 1. Last day of disability.** The last day on which the employee is unable to perform the duties of any gainful occupation;
- 2. Balance of 180-day period.** The balance of the 180-day period of continuous total disability; or
- 3. Eligibility for disability retirement allowance.** The first day the employee is eligible for a disability retirement allowance under the Maine Revised Statutes, Title 5, section 1122.

The benefit payment shall equal $66\frac{2}{3}\%$ of the employee's weekly salary at date of disablement. Any state retirement allowance shall be deducted from the benefit payment. No payment shall be made if the sickness or bodily injury is covered under workers' compensation. No payments shall be made for disabilities occurring prior to the effective date of this Act.

The Commissioner of Personnel may promulgate rules and regulations for the uniform administration of this temporary disability plan.

Sec. 11. Effect. Notwithstanding the Maine Revised Statutes, Title 5, section 11, the State Controller is authorized to implement the salary benefits that become effective under this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 29, 1980