

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

avoid unnecessary confusion and hardship for thrift institutions; 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:

9-B MRSA §423, sub-§2, ¶B, 2nd sentence, as last amended by PL 1981, c. 553, §2, is further amended to read:

Otherwise, a financial institution subject to Part 5 or 7 shall accept only demand deposits of its own funds and those deposits authorized in subsection 1 until such time as there exists either equality among financial institutions as to interest rates payable on deposits, or federally-chartered thrift institutions in this State are authorized to have checking deposit or demand deposit privileges and, in the event of the latter, only to the extent such federal institutions are so authorized.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on July 13, 1982.

Effective July 13, 1982.

CHAPTER 710

H.P. 2421 - L.D. 2153

AN ACT to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Other State and Judicial Employees.

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

Whereas, it is the responsibility of the Legislature to act upon those portions of tentative collective bargaining agreements negotiated by the Executive Branch which require legislative action; and

Whereas, the Governor and the Legislature also share a desire to address the needs of other state and judicial employees; 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. 1. Appropriation from the General Fund. There is appropriated from the General Fund to a special compensation account the sum of \$3,216,500 for the fiscal year ending June 30, 1982, and \$8,897,500 for the fiscal year ending June 30, 1983. These sums are provided to implement the economic terms of the collective bargaining contracts between the State and the Maine State Employees Association for the Administrative Services, Professional and Technical Services, Operations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services bargaining units.

Sec. 2. Special account funding. With the exception of Part C, funding provided by this Act shall 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. Except for funds appropriated to implement section 3, funds shall include retirement costs. Positions supported from sources of funding other than the General Fund shall be funded whenever practical from those other sources.

Sec. 3. Cash payment. For the period of July 1, 1981 to April 30, 1982, a sum of 6% of base salary exclusive of overtime shall be paid to each employee included in the Administrative Services, Professional and Technical Services, Operations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services bargaining units. A like sum shall be paid on a prorated basis to each

bargaining unit employee who either retired or was laid off between those dates. This sum shall not be considered earnable compensation under the Maine State Retirement System, except for the following: Any bargaining unit employee, who retires between July 1, 1981 and July 1, 1984, may pay to the Maine State Retirement System the amount of the employee's contribution established by the Revised Statutes, Title 5, section 1095, plus the amount of the state's contribution which would be payable on the 6% sum if it were earnable compensation; upon payment of these amounts the employee shall be entitled to consideration of the 6% for purposes of average final compensation.

Sec. 4. Adjustment of salary schedule. Effective the pay week closest to May 1, 1982, the salary schedule for employees in the Administrative Services, Professional and Technical Services, Operations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services bargaining units shall be adjusted by 10 1/2% consistent with the terms of the collective bargaining contracts.

Sec. 5. Adjustment of salary schedule steps of bargaining units. Effective the pay week closest to July 1, 1982, the salary schedule steps for employees in the Administrative Services, Professional and Technical Services, Operations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services bargaining units shall be adjusted consistent with the terms of the collective bargaining contracts.

Sec. 6. Basic group life insurance. Effective the pay week closest to May 1, 1982, the State shall pay basic group life insurance premiums for employees in the Administrative Services, Professional and Technical Services, Operations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services bargaining units who are participants in the state's basic group plan on May 1, 1982. The State shall pay basic group life insurance premiums for bargaining unit employees who enroll through established procedures on or after May 1, 1982. The State shall hold a 30-day open enrollment period starting June 1, 1982 for all bargaining unit employees who wish to participate in the state's basic group life insurance plan. Effective July 1, 1982, the State shall pay the premiums of basic group life insurance for employees enrolled during this open enrollment period and the coverage shall be effective July 1, 1982. This provision does not diminish the right of employees to carry additional insurance on themselves or dependents.

Sec. 7. New employees, similar and equitable treatment. Employees in classifications included in the Administrative Services, Professional and Technical Services, Oper-

ations, Maintenance and Support Services, Law Enforcement Services and Supervisory Services bargaining units, but who are excluded from collective bargaining pursuant to the Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F, shall be given similar and equitable treatment as employees covered by relevant contracts. Except for intermittent employees and nonstatus employees in acting capacity or project positions, terms shall include the 6% sum on a prorated basis.

Sec. 8. Carrying clause. Any balances remaining from previous salary accounts and special accounts established by this Act shall not lapse but shall be carried forward to June 30, 1983, to be expended for state employee salary increases.

PART B

5 MRSA §8, 2nd sentence, as amended by PL 1979, c. 739, §1, is further amended to read:

For employees and state officers and officials not subject to any such agreement, the State shall pay ~~20¢~~ 21¢ per mile effective May 1, 1982 and 22¢ per mile effective July 1, 1982 for miles actually traveled by such employees on such state business.

PART C

Sec. 1. Repeal of previous funding and authorization of salary increases. That section of Public Law 1981, chapter 702, Part B, that provided funding and authorization to implement a salary increase to the Judicial Department employees is repealed.

Sec. 2. Appropriations from the General Fund for the Judicial Department. There is appropriated from the General Fund to the Judicial Department for Personal Services the sum of \$161,795 for the fiscal year ending June 30, 1982 and \$561,752 for the fiscal year ending June 30, 1983. Any balance remaining within the appropriation for Personal Services on June 30, 1982, shall not lapse, but shall be carried forward to meet the purposes of this Act.

Sec. 3. Implementation authorization. The Judicial Department is authorized to grant its employees whose salaries are set other than by statute salary increases and benefits equivalent to those provided in Part A.

PART D

Sec. 1. Authorization to adjust expenditure levels. The Governor is authorized to reduce the allotments for the

departments listed below in amounts not to exceed those indicated for each department in order to provide the necessary additional funding required to fund Parts A and B of this Act. Such reductions in allotments shall be made by financial orders and such orders shall be submitted to the Legislative Finance Office 30 days before the reductions are implemented.

<u>Agriculture, Food and Rural Resources,</u> <u>Department of</u>	\$ 82,875
<u>Audit, Department of</u>	18,125
<u>Business Regulation, Department of</u>	9,125
<u>Conservation, Department of</u>	259,949
<u>Corrections, Department of</u>	121,310
<u>Defense and Veterans' Services,</u> <u>Department of</u>	111,000
<u>Educational and Cultural Services,</u> <u>Department of</u>	566,794
<u>Environmental Protection, Department of</u>	70,793
<u>Executive Department</u>	108,136
<u>Finance and Administration, Department of</u>	412,000
<u>Human Services, Department of</u>	580,396
<u>Inland Fisheries and Wildlife,</u> <u>Department of</u>	6,375
<u>Labor, Department of</u>	41,500
<u>Marine Resources, Department of</u>	97,375
<u>Mental Health and Mental Retardation,</u> <u>Department of</u>	700,000
<u>Personnel, Department of</u>	18,238
<u>Public Safety, Department of</u>	140,875
<u>Public Utilities Commission</u>	26,875
<u>State Department</u>	91,624
<u>Treasury</u>	11,750

<u>Transportation, Department of</u>	<u>9,500</u>
Total	\$3,484,615

Notwithstanding any other provision or statute, any appropriation which would normally lapse to the General Fund on June 30, 1982, shall lapse to the Special Compensation Account and shall remain available to carry out the purposes of Parts A and B until June 30, 1983.

Sec. 2. Utilization of allotment reserve. Upon recommendation of the State Budget Officer, the Governor may transfer to the Special Compensation Account funds which have lapsed into the allotment reserves at the end of each of the first 3 quarters of fiscal year 1983. Financial orders describing such transfers shall be submitted by the Bureau of the Budget to the Legislative Finance Office 30 days before the transfer is to be implemented.

Sec. 3. Legislative intent. It is the intent of the Legislature that the authority granted in section 1 of this Part to adjust the level of expenditures and the authority granted in section 2 of this Part shall terminate as soon as the Special Compensation Account reaches a level sufficient to fund the provisions of this Act.

Sec. 4. Termination. This Part is repealed effective June 30, 1983.

PART E

Capital construction, repairs and improvements appropriation. Any balance of the appropriation provided in Public Law 1981, chapter 702, Part B, to the Department of Finance and Administration for Capital Construction, Repairs and Improvements remaining on June 30, 1982, shall not lapse but shall be carried forward until June 30, 1983, for the same purposes.

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