

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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J.S. McCarthy Co., Inc.
Augusta, Maine
1986

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE

THIRD SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 107

H.P. 1875 - L.D. 2477

**AN ACT to Fund and Implement Certain
Collective Bargaining Agreements and to Offset
Salary and Benefit Costs for Employees of the
Maine Maritime Academy.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; 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, 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 \$295,512 for the fiscal year ending June 30, 1985, to implement the economic terms agreed to by the State and the Maine State Troopers Association, representing the Maine State Troopers.

Sec. 2. Allocations from the Highway Fund. There is allocated from the Highway Fund to a special compensation account the sum of \$757,320 for the fiscal year ending June 30, 1985, to fund salary and benefit changes for the Maine State Troopers Bargaining Unit as agreed to by the State and the Maine State Troopers Association.

Sec. 3. Special account funding. Funding provided in this Part 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 4, funds provided by this Part shall include retirement costs. Positions supported from sources of funding other than the General Fund shall be funded whenever possible from those other sources.

Sec. 4. Lump sum payment. A lump sum payment, equal to 3 1/2% of the employee's base pay from the beginning of the pay week commencing closest to July 1, 1983, to the end of the pay week commencing closest to February 29, 1984, shall be paid to each employee included in the Maine State Troopers Bargaining Unit, consistent with the terms of the collective bargaining agreement. This sum shall not be considered earnable compensation under the Maine State Retirement System.

Sec. 5. Lump sum payment. A lump sum payment equal to the increased compensation the employee would have earned as of September 3, 1984, if the salary schedule had been increased by 3 1/2% at the beginning of the pay week commencing closest to March 1, 1984, and increased by 3 1/2% at the beginning of the pay week commencing closest to July 1, 1984, shall be paid to each employee in the bargaining unit consistent with the terms of the collective bargaining agreement. Notwithstanding any other provision of law, payment pursuant to this section shall be treated as part of base pay for retirement, overtime and other such purposes.

Sec. 6. Adjustment of salary schedule. Effective at the beginning of the pay week commencing closest to September 3, 1984, the salary schedule for employees in the Maine State Troopers Bargaining Unit shall be adjusted as if it had been increased 3 1/2%, at the beginning of the pay week commencing closest to March 1, 1984, and as if it had been increased by 3 1/2%, at the beginning of the pay week commencing closest to July 1, 1984, consistent with the terms of the collective bargaining agreement.

Sec. 7. Group dental insurance for the Maine State Troopers Bargaining Unit. Effective as soon as practicable after the signing of the contract, the State shall pay up to \$8 a month toward individual group dental insurance premiums for those employees in the Maine State Troopers Bargaining Unit who enroll in the group dental insurance program provided by the State, consistent with the terms of the collective bargaining agreement.

Sec. 8. New employees, similar and equitable treatment. Employees in classifications included in the Maine State Troopers Bargaining Unit, 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 on a pro rata basis to

that given employees covered by the agreement, except that nonstatus employees in acting capacity, intermittent or project positions shall not receive any lump sum payment provided in section 4.

PART B

Sec. 1. Appropriation from the General Fund. There is appropriated from the General Fund to a special compensation account the sum of \$646,377 for the fiscal year ending June 30, 1985, to implement the economic terms agreed to for that period by the State Board of Education and the Maine Teachers Association, representing the Vocational-Technical Institutes Faculty Bargaining Unit.

Sec. 2. Special account funding. Funding provided by this Part 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 to implement section 4, funds provided by this Part shall include retirement costs. Positions supported from sources of funding other than the General Fund shall be funded whenever possible from those other sources.

Sec. 3. Funding for fiscal year 1986. Funding and implementation of the economic terms of the collective bargaining agreement between the State Board of Education and the Maine Teachers Association, representing the Vocational-Technical Institutes Faculty Bargaining Unit, for the fiscal year ending June 30, 1986, shall be subject to approval and appropriation of \$737,226 from the General Fund by the First Regular Session of the 112th Legislature.

Sec. 4. Lump sum payment. A lump sum payment equal to 3 1/2% of the employee's base pay from the beginning of the pay week commencing closest to July 1, 1983, to the beginning of the pay week commencing closest to September 3, 1984, shall be paid to each employee of the Vocational-Technical Institute Faculty Bargaining Unit, consistent with the terms of the collective bargaining agreement. This sum shall not be considered earnable compensation under the Maine State Retirement System.

Sec. 5. Lump sum payment. A lump sum payment equal to the increased compensation the employee would have earned as of September 3, 1984, if the salary schedule had been increased by 3 1/2% at the beginning of the pay week commencing closest to July 1, 1984, shall be paid to each employee in the bargaining unit, consistent with the terms of the collective bargaining agreement. Notwithstanding any other provision of law, payment pursuant to this section shall be treated as part of base pay for retirement and other such purposes.

Sec. 6. Adjustment of salary schedule, fiscal year 1985. The salary schedule for vocational-technical institute faculty shall be adjusted as if it had been increased by 3 1/2% at the beginning of the pay week commencing closest to July 1, 1984, and further adjusted as if it had been increased by 3 1/2%, at the beginning of the pay week commencing closest to September 3, 1984, consistent with the terms of the collective bargaining agreement.

Sec. 7. Basic group life insurance. Effective at the beginning of the pay week commencing closest to September 3, 1984, the State shall pay basic group life insurance premiums for employees in the Vocational-Technical Institute Faculty Bargaining Unit who are participants in the state's basic group plan on September 3, 1984. The State shall pay basic group life insurance premiums for bargaining unit employees who enroll through established procedures on or after September 3, 1984. The State shall hold an open enrollment period for the month of October, 1984, for all bargaining unit employees who wish to participate in the state's basic group life insurance plan. 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 November 1, 1984. This provision does not diminish the right of employees to carry additional insurance on themselves or dependents.

Sec. 8. New employees, similar and equitable treatment. Employees in classifications included in the Vocational-Technical Institute Faculty Bargaining Unit, 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 on a pro rata basis to that given employees covered by the contract, except that nonstatus employees in acting capacity, intermittent or project positions shall not receive any lump sum payment provided in section 4.

PART C

Sec. 1. Appropriation from the General Fund. There is appropriated from the General Fund to a special compensation account the sum of \$8,785,855 for the fiscal year ending June 30, 1985, to implement the economic terms for that period of collective bargaining agreements agreed to by the State and the Maine State Employees Association, representing the employees in the Administrative Services; Professional and Technical Services; Operations, Maintenance and Support Services; Law Enforcement Services; and Supervisory Services Bargaining Units.

Sec. 2. Allocation from the Highway Fund. There is allocated from the Highway Fund to a special compensation account the sum of \$5,737,988 for the fiscal year ending June

30, 1985, to fund salary and benefit changes for the Administrative Services; Professional and Technical Services; Operations, Maintenance and Support Services; Law Enforcement Services; and Supervisory Services Bargaining Units, as agreed between the State and the Maine State Employees Association.

Sec. 3. Special account funding. Funding provided by this Part 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 5, funds provided by this Part shall include retirement costs. Positions supported from sources of funding other than the General Fund shall be funded whenever possible from those other sources.

Sec. 4. Funding for fiscal year 1986. Funding and implementation of the economic terms of the collective bargaining agreements between the State and the Maine State Employees Association representing the employees in the Administrative Services; Professional and Technical Services; Operations, Maintenance and Support Services; Law Enforcement Services; and Supervisory Services Bargaining Units, for the fiscal year ending June 30, 1986, shall be subject to approval and appropriation of \$9,988,804 from the General Fund and allocation of \$6,548,782 from the Highway Fund by the First Regular Session of the 112th Legislature.

Sec. 5. Lump sum payment. A lump sum payment equal to 3 1/2% of the employee's base pay from the beginning of the pay week commencing closest to July 1, 1983, to the end of the pay week commencing closest to February 29, 1984, or \$400, whichever is greater, 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, consistent with the terms of the collective bargaining agreements. This sum shall not be considered earnable compensation under the Maine State Retirement System, except for the following: Any bargaining unit employee who retires within 3 years of July 1, 1983, 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 3 1/2% sum if it were earnable compensation. Upon payment of these amounts, in accordance with the rules established by the board of trustees, the employee shall be entitled to consideration of the 3 1/2% sum for purposes of average final compensation.

Sec. 6. Lump sum payment. A lump sum payment equal to the increased compensation the employee would have earned as of September 3, 1984, if the salary schedules had been in-

creased across-the-board by 3 1/2% at the beginning of the pay week commencing closest to March 1, 1984, and across-the-board by another 3 1/2% at the beginning of the pay week commencing closest to July 1, 1984, 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, consistent with the terms of the collective bargaining agreements. Notwithstanding any other provision of law, payment pursuant to this section shall be treated as part of base pay for retirement, overtime and other such purposes.

Sec. 7. Adjustment of salary schedule for fiscal year 1985. Effective at the beginning of the pay week commencing closest to September 3, 1984, the salary schedules 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 as if they had been increased by 3 1/2%, at the beginning of the pay week closest to March 1, 1984, and increased by 3 1/2% at the beginning of the pay week commencing closest to July 1, 1984, consistent with the terms of the collective bargaining agreements.

Sec. 8. Group dental insurance. Effective as soon as practicable after the signing of the agreements, the State shall pay up to \$8 per month toward individual group dental insurance premiums for those employees in the Administrative Services; Professional and Technical Services; Operations, Maintenance and Support Services; Law Enforcement Services; and Supervisory Services Bargaining Units who enroll in the group dental insurance program provided by the State, consistent with the terms of the collective bargaining agreements.

Sec. 9. New employees, similar and equitable treatment. Employees in classifications included in the Administrative Services; Professional and Technical Services; Operations, 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 on a pro rata basis to that given employees covered by the contract, except that nonstatus employees in acting capacity, intermittent or project positions shall not receive any lump sum payment provided in section 5.

PART D

Appropriation from the General Fund. There is appropriated from the General Fund to the Maine Maritime Academy the sum of \$232,275 for the fiscal year ending June 30, 1985, to

offset fiscal year 1984 and fiscal year 1985 salary and benefit costs for Maine Maritime Academy employees.

PART E

Sec. 1. Carrying clause. Any balances remaining from special accounts established by this Act, Parts B and C, shall not lapse but shall be carried forward to June 30, 1986 to be expended for state employee salary increases.

Sec. 2. Authorization for reimbursement of costs associated with contract resolution. The Governor's Office of Employee Relations shall be reimbursed from these special accounts for the costs of mediation, fact-finding and arbitration as required by the process of contract resolution and by the impact negotiation procedures.

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

Effective September 11, 1984.

CHAPTER 108

H.P. 1876 - L.D. 2478

AN ACT to Authorize a General Fund Bond Issue in the Amount of \$13,425,000 for Capital Improvements, Construction, Renovations, Equipment and Furnishings for Vocational-Technical Institutes and to Provide Funds for the Procurement of a Tugboat to be Used for Training Purposes at the Maine Maritime Academy.

Preamble. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for capital improvements, construction, renovations, equipment and furnishings for Vocational-Technical Institutes and for the procurement of a tugboat for training purposes at the Maine Maritime Academy.

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

Sec. 1. Issue of bonds to provide for capital improvements, construction, renovations, equipment