

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
THIRD SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

"Shall the Town of Benedicta be deorganized?"

The voters shall indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." Before becoming effective, this Act must be approved by a majority of the legal voters voting at the special election, and the total number of votes cast for and against the acceptance of this Act at the election must equal or exceed 50% of the total number of votes cast in the town for Governor at the last gubernatorial election.

The board of selectmen of the Town of Benedicta shall declare the result of the vote. The town clerk shall file a certificate of the election result with the Secretary of State within 10 days from the date of the election.

Effective pending referendum.

CHAPTER 145

H.P. 1763 - L.D. 2444

AN ACT to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the American Federation of State, County and Municipal Employees and to Fund and Implement Benefits for Certain State Employees Excluded from Bargaining.

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, the Governor and the Legislature also share a desire to address the needs of certain 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:

PART A

Sec. 1. Appropriation from the General Fund. There is appropriated from the General Fund to a special compensation account the sum of \$1,329,227 for the fiscal year ending June 30, 1987, to implement the economic terms agreed to by the State and the American Federation of State, County and Municipal Employees - Council #93 for the Institutional Services Bargaining Unit.

Sec. 2. Special account funding. 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 possible from those other sources.

Sec. 3. Lump sum payment. A lump sum payment equal to 4% of the employee's gross pay from the beginning of the pay week commencing closest to July 1, 1986, to the end of the pay week ending closest to January 1, 1987, shall be paid to each employee included in the Institutional Services 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 except as follows. Any employee in the Institutional Services Bargaining Unit who retires within 3 years of July 1, 1986, may pay the Maine State Retirement System the amount of the employee's contribution established by the Maine Revised Statutes, Title 5, section 1095, subsection 9, plus the amount of the employer's contribution which would be payable on the 4% 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 4% sum for the purposes of average final compensation.

Sec. 4. Adjustment of salary schedule for fiscal year 1986-87. Effective at the beginning of the pay week commencing closest to January 1, 1987, the salary schedule for employees in the Institutional Services Bargaining Unit shall be adjusted by 4% consistent with the terms of the collective bargaining contract.

Sec. 5. New employees, similar and equitable treatment. Employees in classifications included in the Institutional Services Bargaining Unit, but excluded from collective bargaining pursuant to the Maine 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 3.

PART B

Sec. 1. Definition of confidential employees. For the purposes of this Act, confidential employees are defined as those within the Executive Branch, including probationary employees, who are excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J, and those employees within the Legislative Branch not subject to collective bargaining, including constitutional officers and the State Auditor.

Sec. 2. Appropriation from the General Fund. There is appropriated from the General Fund to a special compensation account the sum of \$560,210 for the fiscal year ending June 30, 1987, to fund salary benefit changes for confidential employees.

Sec. 3. Allocations from the Highway Fund. There is allocated from the Highway Fund to a special compensation account the sum of \$116,844 to fund salary and benefit changes for confidential employees.

Sec. 4. Special account funding; retirement option. Funding provided by this Act shall be segregated into special accounts 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 5, funds shall include retirement costs. Newly appointed confidential employees who are not required by law to participate in the Maine State Retirement System may elect to receive a 5% salary increase in lieu of state payment

of their retirement contribution; this option shall be exercised at the time of appointment. Positions supported from sources of funding other than the General Fund and the Highway Fund shall be funded whenever possible from those other sources.

Sec. 5. Lump sum payment. A lump sum payment equal to 4% of the employee's gross pay from the beginning of the pay week commencing closest to July 1, 1986, to the end of the pay week ending closest to January 1, 1987, shall be paid to each confidential employee. This sum shall not be considered earnable compensation under the Maine State Retirement System except as follows. Any confidential employee who is a member of the Maine State Retirement System who retires within 3 years of July 1, 1986, may pay to the Maine State Retirement System the amount of the employee's contribution established by the Maine Revised Statutes, Title 5, section 1095, subsection 9, plus the amount of the employer's contribution which would be payable on the 4% 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 4% sum for purposes of average final compensation.

Sec. 6. Adjustment of salary schedule, fiscal year 1986-87. Effective at the beginning of the pay week commencing closest to January 1, 1987, the salary schedules for confidential employees shall be adjusted by 4%.

Sec. 7. Employees whose salaries are subject to Governor's adjustment or approval. The Governor is authorized to grant similar and equitable treatment consistent with this Act for those unclassified employees whose salaries are subject to the Governor's adjustment or approval.

Sec. 8. Employees of the Legislative Branch. The Legislative Council may approve salary and benefit increases for confidential employees within the Legislative Branch, including constitutional officers and the State Auditor, not subject to collective bargaining.

PART C

Authorization for reimbursement of costs associated with contract resolution. The Department of Administration, Bureau of Employee Relations, may be reimbursed from the special accounts funded by this Act for the costs of mediation, fact-finding and ar-

bitration as required by the process of contract resolution and by impact negotiation procedures.

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

Effective October 28, 1986.

CHAPTER 146

H.P. 1764 - L.D. 2445

AN ACT to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the Maine State Employees Association.

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 \$4,100,634 for the fiscal year ending June 30, 1987, to implement the economic terms agreed to by the State and the Maine State Employees Association for the Administra-