

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

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-

tive Services Bargaining Unit; Supervisory Services Bargaining Unit; Professional and Technical Services Bargaining Unit; Law Enforcement Services Bargaining Unit; and the Operations, Maintenance and Support Services Bargaining Unit.

Sec. 2. Allocations from the Highway Fund. There is allocated from the Highway Fund to a special compensation account the sum of \$2,426,292 to fund salary and benefit changes for state employees represented by the Maine State Employees Association for the Administrative Services Bargaining Unit; Supervisory Services Bargaining Unit; Professional and Technical Services Bargaining Unit; Law Enforcement Services Bargaining Unit; and the Operations, Maintenance and Support Services Bargaining Unit.

Sec. 3. Special account funding. 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 appropriated and allocated to implement section 4, funds shall include retirement costs. Positions supported from sources of funding other than the General Fund and Highway Fund shall be funded whenever possible from those other sources.

Sec. 4. 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 Administrative Services Bargaining Unit; Professional and Technical Services Bargaining Unit; Supervisory Services Bargaining Unit; Law Enforcement Services Bargaining Unit; and the Operations, Maintenance and Support Services Bargaining Unit, consistent with the terms of the collective bargaining agreements. This sum shall not be considered earnable compensation under the Maine State Retirement System except as follows. Any employee in the bargaining units listed above who retires within 3 years of July 1, 1986, may pay to the Maine State Retirement System the amount of the employer's and the employee's contributions established by the Maine Revised Statutes, Title 5, sections 1062 and 1095, 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. 5. 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 Administrative Services Bargaining Unit; Supervisory Services Bargaining Unit; Professional and Technical Services Bargaining Unit; Law Enforcement Services Bargaining Unit; and the Operations, Maintenance and Support Services Bargaining Unit, shall be adjusted by 4% consistent with the terms of the collective bargaining contract.

Sec. 6. New employees, similar and equitable treatment. Employees in classifications included in the Administrative Services Bargaining Unit; Supervisory Services Bargaining Unit; Professional and Technical Services Bargaining Unit; Law Enforcement Services Bargaining Unit; and the Operations, Maintenance and Support Services Bargaining Unit, but who are 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 4.

PART B

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 arbitration 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 147

H.P. 1765 - L.D. 2446

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