

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

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J.S. McCarthy Company
Augusta, Maine
1990

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

August 21, 1989 to August 22, 1989

CHAPTER 86

S.P. 679 - L.D. 1797

An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective 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 that require legislative action; and

Whereas, the Governor and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining units; 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. Costs to the General Fund. There is appropriated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$5,467,730 for the fiscal year ending June 30, 1990, and in the amount of \$13,484,470 for the fiscal year ending June 30, 1991, to implement the economic terms of the collective bargaining agreements made by the State and 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. 2. Costs to the Highway Fund. There is allocated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$2,371,800 for the fiscal year ending June 30, 1990, and in the amount of \$5,806,600 for the fiscal year ending June 30, 1991, to fund salary and benefit changes of the collective bargaining agreements made by the State and 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 a special account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor. The 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. Adjustment of salary schedules for fiscal year 1989-90. Effective at the beginning of the pay week commencing closest to July 1, 1989, the salary schedules 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 3% consistent with the terms of the collective bargaining agreements. Effective at the beginning of the pay week commencing closest to April 1, 1990, these salary schedules shall again be adjusted by 3% consistent with the terms of the collective bargaining agreements.

Sec. 5. Adjustments of salary schedules for fiscal year 1990-91. Effective at the beginning of the pay week commencing closest to October 1, 1990, the salary schedules 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 3% consistent with the terms of the collective bargaining agreements. Effective at the beginning of the pay week commencing closest to April 1, 1991, these salary schedules shall again be adjusted by 3% consistent with the terms of the collective bargaining agreements.

Sec. 6. Funding for fiscal year 1991-92. 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 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 for the fiscal year ending June 30, 1992, shall be subject to approval and appropriation of \$13,213,500 from the General Fund and allocation of \$5,735,200 from the Highway Fund by the First Regular Session of the 115th Legislature.

Sec. 7. 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 collective bargaining agreements, except that nonstatus employees in acting capacity, intermittent or project positions shall receive pay increases provided by this Act prospectively only and shall not receive any retroactive payment.

PART B

Sec. 1. Costs to the General Fund. There is appropriated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$2,010,000 for the fiscal year ending June 30, 1990, and in the amount of \$4,731,000 for the fiscal year ending June 30, 1991, to implement the economic terms of the collective bargaining agreement made 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. The 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. Adjustments of salary schedule for fiscal year 1989-90. Effective at the beginning of the pay week commencing closest to July 1, 1989, the salary schedule for employees in the institutional services bargaining unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreement. Effective at the beginning of the pay week commencing closest to April 1, 1990, this salary schedule shall again be adjusted by 3% consistent with the terms of the collective bargaining agreement.

Sec. 4. Adjustments of salary schedule for fiscal year 1990-91. Effective at the beginning of the pay week commencing closest to October 1, 1990, the salary schedule for employees in the institutional services bargaining unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreement. Effective at the beginning of the pay week commencing closest to April 1, 1991, this salary schedule shall again be adjusted by 3% consistent with the terms of the collective bargaining agreement.

Sec. 5. Funding for fiscal year 1991-92. Funding and implementation of the economic terms of the collective bargaining agreement between the State and the American Federation of State, County and Municipal Employees - Council #93 representing employees in the institutional services bargaining unit for the fiscal year

ending June 30, 1992, shall be subject to approval and appropriation of \$3,734,000 from the General Fund by the First Regular Session of the 115th Legislature.

Sec. 6. New employees; similar and equitable treatment. Employees in classifications included in the institutional 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 collective bargaining agreements, except that nonstatus employees in acting capacity, intermittent or project positions shall receive pay increases provided by this Act prospectively only and shall not receive any retroactive payment.

PART C

Sec. 1. Definition of confidential employees. For the purpose of this Act, "confidential employees" means those employees within the executive branch, including probationary employees, who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.

Sec. 2. Costs to the General Fund. There is appropriated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$783,000 for the fiscal year ending June 30, 1990, and in the amount of \$1,895,000 for the fiscal year ending June 30, 1991, to fund salary and benefit changes for confidential employees.

Sec. 3. Costs to the Highway Fund. There is allocated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$126,000 for the fiscal year ending June 30, 1990, and in the amount of \$300,000 for the fiscal year ending June 30, 1991, to fund salary and benefit changes for confidential employees.

Sec. 4. 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. The 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 sources.

Sec. 5. Provision for temporary disability. The appointing authority shall provide continued salary benefits to a confidential employee in the event of that employee's temporary disability in accordance with this section.

1. Any confidential employee employed by the State in that position for more than 6 months who be-

comes totally disabled shall receive a benefit payment while the employee remains totally disabled and under the care of a licensed physician if:

A. The employee incurs a loss of time from work as a result of the disability, including sickness or accidental bodily injury; and

B. The disability prevents the employee from performing the duties of that employee's occupation.

2. The benefit payment shall commence on the day immediately following exhaustion of the employee's accumulated sick leave or 30 days of continuous total disability, whichever occurs last. It shall continue until whichever occurs first:

A. The day before the day the employee returns to any gainful occupation;

B. The balance of a 365-day period of continuous disability; or

C. The first day the employee is eligible for a disability retirement allowance under the Maine Revised Statutes, Title 5, chapter 423, subchapter V, article 3.

3. The benefit payment shall equal 2/3 of the employee's weekly salary at the date of disablement. Any state retirement allowance shall be deducted from the benefit payment. No payment may be made if the employee's disability is compensable under the Maine Revised Statutes, Title 39.

4. An employee who is provided temporary compensation under this section shall continue to receive the benefits that were provided immediately before the first date of disability.

Sec. 6. Retirement option. 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.

Sec. 7. Payment of health insurance costs. Effective on an employee's first payday following September 1, 1989, the State shall pay 60% of the total cost of the health insurance premiums of the employee's spouse or dependents or both. This shall be in addition to continuance by the State of payment of the full cost of the premium for the individual employee's health insurance coverage.

Sec. 8. Adjustment of salary schedules for fiscal year 1989-90. Effective at the beginning of the pay week commencing closest to July 1, 1989, the salary schedules for confidential employees shall be adjusted by 3%. Effective at the beginning of the pay week commencing closest to April 1, 1990, these salary schedules shall again be adjusted by 3%.

Sec. 9. Adjustments of salary schedules for fiscal year 1990-91. Effective at the beginning of the pay week commencing closest to October 1, 1990, the salary schedules for confidential employees shall be adjusted by 3%. Effective at the beginning of the pay week commencing closest to April 1, 1991, these salary schedules shall again be adjusted by 3%.

Sec. 10. Funding for fiscal year 1991-92. Funding of benefit and salary changes to continue to treat confidential employees similarly to employees in the supervisory services bargaining unit for the fiscal year ending June 30, 1992, shall be subject to approval and appropriation of \$1,452,000 from the General Fund and allocation of \$337,400 from the Highway Fund by the First Regular Session of the 115th Legislature.

Sec. 11. Employees whose salaries are subject to the Governor's adjustment or approval; salaries in the range 80 and 90 statutory series. 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, except that salary changes for those employees or for other employees whose salaries are statutorily set within the 80 or 90 salary range series shall not include changes that are applicable to employees in the supervisory services bargaining unit, but not to employees in other bargaining units.

Sec. 12. Employees of the legislative branch. The Legislative Council may approve salary and benefit increases for employees within the legislative branch, including constitutional officers and the State Auditor, not subject to collective bargaining.

PART D

Sec. 1. Costs to the General Fund. There is appropriated in Part E of this Act to the General Fund \$357,500 for the fiscal year ending June 30, 1990, and \$840,500 for the fiscal year ending June 30, 1991.

Sec. 2. Costs to the Highway Fund. There is allocated in Part E of this Act to the Highway Fund \$357,500 for the fiscal year ending June 30, 1990, and \$840,500 for the fiscal year ending June 30, 1991.

Sec. 3. Special account funding. Funding provided by this Part shall be segregated into a special account to be set aside to fund any future salary and benefit changes of collective bargaining agreements made by the State and the Maine State Troopers Association for the Maine State Troopers bargaining unit. Approval of cost items will require legislative approval.

PART E

Sec. 1. Appropriations from the General Fund. There are appropriated from the General Fund to the departments listed the following sums:

	1989-90	1990-91
FINANCE, DEPARTMENT OF		
State Contingency Account - Finance		
Unallocated	(\$4,736,337)	(\$10,265,489)
Salary Plan		
Personal Services	5,675,656	11,620,989
DEPARTMENT OF FINANCE		
TOTAL	<u>\$939,319</u>	<u>\$1,355,500</u>

Sec. 2. Allocations from the Highway Fund. There are allocated from the Highway Fund to the departments listed the following sums:

	1989-90	1990-91
FINANCE, DEPARTMENT OF		
Salary Plan		
Personal Services	\$496,284	\$1,180,282

PART F

Sec. 1. Carrying clause. Any balances remaining from special accounts established by this Act shall not lapse but shall be carried forward to June 30, 1991.

Sec. 2. Authorization for reimbursement of costs associated with contract resolution. The Department of Administration and the Department of Finance may be reimbursed from the special accounts funded by this Act for the costs of contract resolution, administration and implementation and other costs required by the process of collective bargaining and by negotiation procedures.

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

Effective August 22, 1989.

CHAPTER 87

H.P. 1302 - L.D. 1800

An Act to Authorize Aroostook County to Make Certain Expenditures in the Renovations of the Houlton District Court

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

Whereas, there is an urgent need to renovate the Houlton District Court building in order to improve air quality in the building and in order to make it accessible to physically disabled persons; and

Whereas, Aroostook County does not have money specifically appropriated in this year's budget to pay for these necessary improvements; and

Whereas, it is imperative that these renovations begin as soon as reasonably possible; 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:

County of Aroostook. Notwithstanding the Maine Revised Statutes, Title 30-A, sections 922 and 924, the commissioners of Aroostook County may make a one-time transfer of accrued interest to the county's contingent fund, in an amount not to exceed \$200,000. These funds shall be used for the purpose of renovating the Houlton District Court building. The use of the fund for this purpose shall be subject to the determination by the county commissioners that such renovation constitutes an emergency purpose.

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

Effective August 22, 1989.

CHAPTER 88

S.P. 671 - L.D. 1792

An Act to Fund and Implement Collective Bargaining Agreements with Employees of the Judicial Department

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 incidental to the operation of the State and the collective bargaining agreements of the Judicial Department 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 judicial branch that require legislative action; and

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

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the