

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

## CHAPTER 11

## H.P. 1092 - L.D. 1535

**An Act to Fund the Collective  
Bargaining Agreement for the Law  
Enforcement Services Bargaining  
Unit**

**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 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. A-1. Costs to the General Fund.** There is appropriated in Part B of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$180,775 for the fiscal year ending June 30, 1997; in the amount of \$188,176 for the fiscal year ending June 30, 1998; and in the amount of \$381,410 for the fiscal year ending June 30, 1999 to implement the economic terms of the collective bargaining agreement made by the State and the Maine State Employees Association for the law enforcement services bargaining unit.

**Sec. A-2. Costs to the Highway Fund.** There is allocated in Part B of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$2,500 for the fiscal year ending June 30, 1997; in the amount of \$6,100 for the fiscal year ending June 30, 1998; and in the amount of \$12,300 for the fiscal year ending June 30, 1999 to fund salary and benefit

changes of the collective bargaining agreement made by the State and the Maine State Employees Association for the law enforcement services bargaining unit.

**Sec. A-3. Special account funding.** Funding provided by this Act must 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 must include retirement costs. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded whenever possible from those other sources.

**Sec. A-4. Lump-sum payment.** A lump-sum payment equal to 2.25% of the employee's base rate paid for the first 26 paychecks in calendar year 1996 must be paid to each employee included in the law enforcement services bargaining unit, consistent with the terms of the collective bargaining agreement. This sum is not earnable compensation under the Maine State Retirement System.

**Sec. A-5. Adjustment of salary schedules for fiscal year 1997-98.** Effective at the beginning of the pay week commencing closest to July 1, 1997, the salary schedules for employees in the law enforcement services bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreement.

**Sec. A-6. Adjustment of salary schedules for fiscal year 1998-99.** Effective at the beginning of the pay week commencing closest to July 1, 1998, the salary schedules for employees in the law enforcement services bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreement.

**Sec. A-7. Adjustment of mileage allowance.** Consistent with the terms of the collective bargaining agreement, the mileage allowance rate for employees in the law enforcement services bargaining unit must be increased to 23¢ per mile effective July 1, 1997 and 24¢ per mile effective July 1, 1998.

**Sec. A-8. New employees; similar and equitable treatment.** Employees in classifications included in the law enforcement services bargaining unit who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F must be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreement, except that nonstatus employees in acting capacity, intermittent or project positions may not receive any lump-sum payment provided in section 4 of this Part.

**PART B**

**CHAPTER 12**

**Sec. B-1. Transfer from salary plan.** The salary plan program in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and the approval of the Governor to be used for the implementation of the collective bargaining agreement for state employees in fiscal years 1996-97, 1997-98 and 1998-99.

**Sec. B-2. Carrying clause.** Any balances remaining in the General Fund and the Highway Fund salary plan accounts in the Department of Administrative and Financial Services may not lapse but must be carried forward to June 30, 1999 to be used for the purposes of this Act.

**Sec. B-3. Authorization for reimbursement of costs associated with contract resolution.** The Department of Administrative and Financial Services may be reimbursed from the special accounts funded by this Act for the costs of contract resolution, administration, implementation and other costs required by the process of collective bargaining and negotiation procedures.

**Sec. B-4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1996-97	1997-98	1998-99
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>			

**Salary Plan**

Personal Services	\$180,775	\$188,176	\$381,410
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**Sec. B-5. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1996-97	1997-98	1998-99
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>			

**Salary Plan**

Personal Services	\$2,500	\$6,100	\$12,300
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**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 16, 1997.

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**H.P. 234 - L.D. 298**

**An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1998**

**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 the Maine State Retirement System will become due and payable before the 90-day period may terminate; 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:**

**Sec. 1. Allocation of funds.** Administrative operating expenses of the Maine State Retirement System for the fiscal year ending June 30, 1998 must be paid from the system's expense fund in accordance with the following schedule.

	<b>1997-98</b>
<b>MAINE STATE RETIREMENT SYSTEM</b>	
Personal Services	\$4,883,864
All Other	2,569,350
<b>MAINE STATE RETIREMENT SYSTEM</b>	
<b>TOTAL</b>	<u>\$7,453,214</u>

**Sec. 2. Attribution of costs.** The expenses identified in section 1 of this Act are attributed as follows.

	<b>1997-98</b>
General Fund	\$4,530,063
Non-General Fund	1,651,706