

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.

J.S. McCarthy Company
Augusta, Maine
1997

Bureau of Family Independence - Central

All Other	\$80,000	\$80,000
Provides allocations to authorize the expenditure of funds on community service activities if nonstate-administered funds are certified to be available to provide the required state match.		

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
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HUMAN SERVICES, DEPARTMENT OF

Bureau of Family Independence - Central

All Other	\$500	\$500
Provides base allocations to authorize the expenditure of funds for an independent evaluation of the impact of the loss of food stamps if funding is made available from an outside source or foundation.		

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

Effective May 31, 1997.

CHAPTER 39

H.P. 1343 - L.D. 1894

An Act to Fund the Collective Bargaining Agreements and Benefits for Certain Employees Excepted from Collective Bargaining for the Judicial Branch

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 the state collective bargaining agreements for the judicial branch will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon the portions of the collective bargaining agreement negotiated by the judicial 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 judicial branch employees excepted from collective bargaining; 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. Lump sum payment. A lump sum payment equal to 2.25% of the employee base rate paid for the first 26 paychecks in calendar year 1996 must be paid to each employee included in the Judicial Department in the Administrative Services Bargaining Unit, the Supervisory Bargaining Unit and the Professional Bargaining Unit, consistent with the terms of the collective bargaining agreements. This sum may not be considered earnable compensation under the Maine State Retirement System.

Sec. A-2. Adjustment of salary schedule for fiscal year 1997-98. Effective at the beginning of the pay week commencing closest to July 1, 1997, the salary schedule for the employees of the Judicial Department in the Administrative Services Bargaining Unit, the Supervisory Bargaining Unit and the Professional Bargaining Unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreements.

Sec. A-3. Adjustment of salary schedule for fiscal years 1997-98 and 1998-99. Effective at the beginning of the pay week commencing closest to April 1, 1998, the salary schedule for the employees of the Judicial Department in the Administrative Services Bargaining Unit and the Supervisory Bargaining Unit must be adjusted for the increase in longevity, consistent with the terms of the collective bargaining agreements.

Sec. A-4. Other employees; similar and equitable treatment. Employees of the Judicial Department in classifications included in the Administrative Services Bargaining Unit, the Supervisory Bargaining Unit and the Professional Bargaining unit, but who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, F and G,

must be given similar and equitable treatment on a pro rata basis to that given employees covered by collective bargaining agreements, except that nonstatus employees in acting capacity, intermittent or project positions may not receive any lump sum payment provided for in section 1 of this Part.

PART B

Sec. B-1. Definition of excepted employees. For the purposes of this Part, "excepted employees" means the employees within the Judicial Department who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 1282, subsections 5, paragraphs C, D and E, other than those referred to in Part A, section 3.

Sec. B-2. Lump sum payment. A lump sum payment equal to 2.25% of the employee base rate paid for the first 26 paychecks in calendar year 1996 must be paid to each employee included in the Judicial Department who is defined as an excepted employee. This sum may not be considered earnable compensation under the Maine State Retirement System.

Sec. B-3. Adjustment of salary schedule for fiscal year 1997-98. Effective at the beginning of the pay week commencing closest to July 1, 1997, the salary schedule for excepted employees must be adjusted by 2%.

Sec. B-4. Adjustment of salary schedule for fiscal year 1998-99. Effective at the beginning of the pay week commencing closest to July 1, 1998, the salary schedule for excepted employees must be adjusted by 2%.

Sec. B-5. Adjustment of mileage allowance. The mileage allowance rate for excepted employees must be increased to 23¢ per mile effective July 1, 1997 and to 24¢ per mile effective July 1, 1998.

PART C

Sec. C-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 approval of the Governor to be used for the implementation of collective bargaining agreements for employees of the Judicial Department in fiscal year 1996-97.

Sec. C-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1997-98	1998-99
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Salary Plan		
Personal Services	\$234,000	\$295,000
All Other	8,000	16,000
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
TOTAL	\$242,000	\$311,000

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

Effective June 5, 1997.

CHAPTER 40

H.P. 1312 - L.D. 1860

An Act to Authorize Hancock County to Hold a Referendum Election in November 1997 on a Bond Issue of \$6,000,000 to Construct a New Jail and to Provide Necessary Renovations to the Courthouse to Comply with State Mandates

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, Hancock County needs a new jail facility; and

Whereas, the need exists for renovations at the Hancock County courthouse to comply with state mandates; and

Whereas, the county commissioners must begin the necessary preparation of the ballot to be presented to the voters of Hancock County; and