

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

CHAPTER 376
H.P. 995 - L.D. 1453

**An Act To Fund Agreements
with Bargaining Units for
Certain Executive Branch
Employees and Ensure
Equitable Treatment for Other
Executive Branch Employees**

Emergency preamble. Whereas, acts and resolves 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:

Sec. 1. Adjustment of salary schedules for fiscal year 2015-16. Effective at the beginning of the pay week commencing closest to September 1, 2015, the salary schedules for executive branch employees in bargaining units represented by the American Federation of State, County and Municipal Employees, the Maine State Troopers Association and the Maine State Law Enforcement Association must be adjusted upward according to the respective collective bargaining agreements. The salary schedules for executive branch employees in bargaining units represented by the Maine State Employees Association must be adjusted consistent with the terms of any tentative agreements ratified prior to September 30, 2015.

Sec. 2. Adjustment of salary schedules for fiscal year 2016-17. Effective at the beginning of the pay week commencing closest to July 1, 2016, the salary schedules for executive branch employees in bargaining units represented by the American Federation of State, County and Municipal Employees, the Maine State Troopers Association and the Maine State

Law Enforcement Association must be adjusted upward according to the respective collective bargaining agreements. The salary schedules for executive branch employees in bargaining units represented by the Maine State Employees Association must be adjusted consistent with the terms of any tentative agreements ratified prior to September 30, 2015.

Sec. 3. New, temporary and seasonal employees; similar and equitable treatment. Employees in classifications included in bargaining units subject to collective bargaining agreements described in section 6 of this Act 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 treatment similar and equitable to that given employees covered by the collective bargaining agreements.

Sec. 4. Confidential employees; similar and equitable treatment. The salary schedules for confidential employees must be adjusted consistent with the salary schedule adjustment for employees in bargaining units represented by the Maine State Troopers Association and the Maine State Law Enforcement Association. For the purposes of this section, "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. 5. Employee salaries 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. 6. Costs to General Fund and Highway Fund. Costs to the General Fund and Highway Fund must be provided in all or part through a transfer of Personal Services appropriations within and between departments and agencies and in accordance with Public Law 2015, chapter 267, Part DDDD and from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services up to \$8,000,000 for the fiscal year ending June 30, 2016 and up to \$12,000,000 for the fiscal year ending June 30, 2017 to implement the economic terms of the collective bargaining agreements made in the months of June through September of calendar year 2015 by the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association and the Maine State Employees Association, to provide equitable treatment of employees excluded from bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F and, notwithstanding Title 26,

section 979-D, subsection 1, paragraph E, subparagraph (3), to implement equitable adjustments for confidential employees.

Sec. 7. Transfer of Personal Services appropriations between programs and departments. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available balances in the General Fund for Personal Services in fiscal year 2015-16 and fiscal year 2016-17 may be transferred by financial order between programs and departments within the General Fund upon recommendation of the State Budget Officer and approval of the Governor to be used for costs associated with collective bargaining agreements for state employees.

Sec. 8. Transfer from Salary Plan program and special account funding. The Salary Plan program, General Fund account 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 the collective bargaining agreements for state employees and for other economic items contained in this Act in fiscal years 2015-16 and 2016-17. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded from those other sources.

Sec. 9. Transfer of Personal Services allocations between programs and departments. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available balances in the Highway Fund for Personal Services in fiscal year 2015-16 and fiscal year 2016-17 may be transferred by financial order between programs and departments within the Highway Fund upon recommendation of the State Budget Officer and approval of the Governor to be used for costs associated with collective bargaining agreements for state employees.

Sec. 10. Authorization for reimbursement of costs associated with contract resolution. The Department of Administrative and Financial Services may be reimbursed from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services for the costs of contract resolution, administration and implementation and other costs required by the process of collective bargaining and negotiation procedures.

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

Effective July 17, 2015.

CHAPTER 377
S.P. 557 - L.D. 1455

An Act To Make a Technical Correction to a Recently Enacted Law Regarding the Appointment of District Court Judges

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

Whereas, Public Law 2015, chapter 267 increased the count and funding for District Court judges without amending the statutory count of District Court judges; and

Whereas, the statutory number should be corrected immediately to allow for the nomination and confirmation of the new judges as soon as 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:

Sec. 1. 4 MRSA §157, sub-§1, ¶A, as amended by PL 2005, c. 519, Pt. III, §2, is further amended to read:

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court ~~36~~ 38 judges. At least one judge must be appointed from each district who is a resident of a county in which the district lies, except that in District 3 there must be 2 judges appointed who are residents of a county in which the district lies; in District 6 there must be 2 judges appointed who are residents of a county in which the district lies; and in District 9 there must be 2 judges appointed who are residents of a county in which the district lies. Each District Court Judge has a term of office of 7 years.

To be eligible for appointment as a District Judge, a person must be a member of the bar of the State. The term "District Judge" includes the Chief Judge and Deputy Chief Judge.