



128th MAINE LEGISLATURE

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Legislative Document

No. 1644

H.P. 1135

House of Representatives, June 28, 2017

An Act To Fund the Agreement with Executive Branch Employees

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Speaker GIDEON of Freeport. (GOVERNOR'S BILL)
Cosponsored by President THIBODEAU of Waldo and
Representative: FREDETTE of Newport, Senator: JACKSON of Aroostook.

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

3 **Whereas,** certain obligations and expenses incident to the operation of state
4 collective bargaining agreements will become due and payable immediately; and

5 **Whereas,** it is the responsibility of the Legislature to act upon those portions of
6 collective bargaining agreements negotiated by the executive branch that require
7 legislative action; and

8 **Whereas,** the Governor and the Legislature share a desire to address in a timely
9 manner the needs of certain state employees excluded from collective bargaining units;
10 and

11 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
12 the meaning of the Constitution of Maine and require the following legislation as
13 immediately necessary for the preservation of the public peace, health and safety; now,
14 therefore,

15 **Be it enacted by the People of the State of Maine as follows:**

16 **Sec. 1. Adjustment of salary schedules for fiscal years 2017-18 and**
17 **2018-19.** Effective at the beginning of the pay weeks commencing closest to September
18 1, 2017 and July 1, 2018, the salary schedules for the executive branch employees in
19 bargaining units represented by the Maine State Troopers Association and the Maine
20 State Law Enforcement Association must be adjusted consistent with the terms of any
21 tentative agreements ratified prior to September 1, 2017.

22 **Sec. 2. Adjustment of salary schedules for fiscal years 2017-18 and**
23 **2018-19.** The salary schedules for the executive branch employees in bargaining units
24 represented by the American Federation of State, County and Municipal Employees and
25 the Maine State Employees Association must be adjusted consistent with the terms of any
26 tentative agreements ratified prior to September 1, 2017.

27 **Sec. 3. Addition of new steps for certain employees in fiscal years 2017-18**
28 **and 2018-19.** Effective at the beginning of the pay periods commencing closest to
29 January 1, 2018, September 1, 2018 and January 1, 2019, the salary schedules for certain
30 employees of the executive branch in bargaining units represented by the Maine State
31 Law Enforcement Association must be adjusted by eliminating the first step and adding a
32 new top step or adding a new top step for those employees at the last step so that
33 employees are paid at the new rates to which they are assigned in the modified salary
34 schedule, consistent with the terms of the applicable tentative collective bargaining
35 agreements ratified prior to September 1, 2017.

36 **Sec. 4. New, temporary and seasonal employees; similar and equitable**
37 **treatment.** The Governor is authorized to grant similar and equitable treatment
38 consistent with this Act for employees in classifications included in bargaining units
39 subject to collective bargaining agreements described in section 7 of this Act who are

1 excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26,
2 section 979-A, subsection 6, paragraphs E and F.

3 **Sec. 5. Confidential employees; similar and equitable treatment.** The
4 Governor is authorized to grant similar and equitable treatment consistent with this Act
5 for confidential employees. For the purposes of this section, "confidential employees"
6 means those employees within the executive branch, including probationary employees,
7 who are in positions excluded from bargaining units pursuant to the Maine Revised
8 Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.

9 **Sec. 6. Employee salaries subject to Governor's adjustment or approval.**
10 The Governor is authorized to grant similar and equitable treatment consistent with this
11 Act for those unclassified employees whose salaries are subject to the Governor's
12 adjustment or approval.

13 **Sec. 7. Costs to General Fund and Highway Fund.** Costs to the General
14 Fund and Highway Fund must be provided in all or part through a transfer of Personal
15 Services appropriations within and between departments and agencies from the Salary
16 Plan program, General Fund account in the Department of Administrative and Financial
17 Services up to \$8,000,000 for the fiscal year ending June 30, 2018 and up to \$12,000,000
18 for the fiscal year ending June 30, 2019 to implement the economic terms of the
19 collective bargaining agreements made in the months of June through September of
20 calendar year 2017 by the State and the American Federation of State, County and
21 Municipal Employees, the Maine State Troopers Association, the Maine State Law
22 Enforcement Association and the Maine State Employees Association, to provide
23 equitable treatment of employees excluded from bargaining pursuant to the Maine
24 Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F and,
25 notwithstanding Title 26, section 979-D, subsection 1, paragraph E, subparagraph (3), to
26 implement equitable adjustments for confidential employees.

27 **Sec. 8. Transfer of Personal Services appropriations between programs
28 and departments.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585
29 or any other provision of law, available balances in the General Fund for Personal
30 Services in fiscal year 2017-18 and fiscal year 2018-19 may be transferred by financial
31 order between programs and departments within the General Fund upon recommendation
32 of the State Budget Officer and approval of the Governor to be used for costs associated
33 with collective bargaining agreements for state employees.

34 **Sec. 9. Transfer from Salary Plan program and special account funding.**
35 The Salary Plan program, General Fund account in the Department of Administrative and
36 Financial Services may be made available as needed in allotment by financial order upon
37 the recommendation of the State Budget Officer and approval of the Governor to be used
38 for the implementation of the collective bargaining agreements for state employees and
39 for other economic items contained in this Act in fiscal years 2017-18 and 2018-19.
40 Positions supported from sources of funding other than the General Fund and the
41 Highway Fund must be funded from those other sources.

