

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

---

Legislative Document

No. 900

---

H.P. 664

House of Representatives, February 19, 2019

**An Act To Expand the Rights of Public Employees under the Maine  
Labor Laws**

---

Reference to the Committee on Labor and Housing suggested and ordered printed.

*Robert B. Hunt*

ROBERT B. HUNT  
Clerk

Presented by Representative SYLVESTER of Portland.  
Cosponsored by Senator MIRAMANT of Knox and  
Representatives: ALLEY of Beals, COLLINGS of Portland, DOORE of Augusta,  
EVANGELOS of Friendship, FARNSWORTH of Portland, MELARAGNO of Auburn,  
RYKERSON of Kittery, TALBOT ROSS of Portland.

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

2 **Sec. 1. 26 MRSA §964, sub-§2**, as enacted by PL 1969, c. 424, §1, is amended to  
3 read:

4 **2. Public employee prohibitions.** ~~Public~~ Except as provided under section 964-B,  
5 public employees, public employee organizations, their agents, members and bargaining  
6 agents are prohibited from:

7 A. Interfering with, restraining or coercing employees in the exercise of the rights  
8 guaranteed in section 963 or a public employer in the selection of his ~~the~~ public  
9 employer's representative for purposes of collective bargaining or the adjustment of  
10 grievances;

11 B. Refusing to bargain collectively with a public employer as required by section  
12 965; ~~or~~

13 C. Engaging in:

14 (1) A work stoppage;

15 (2) A slowdown;

16 (3) A strike; or

17 (4) The blacklisting of any public employer for the purpose of preventing ~~it~~ the  
18 public employer from filling employee vacancies.

19 **Sec. 2. 26 MRSA §964-B** is enacted to read:

20 **§964-B. Authorized strikes**

21 **1. Authorization to engage in a strike.** A public employee, except for an employee  
22 whose duties include protecting public safety, a public employee organization, an agent  
23 of a public employee or public employee organization, a member of a public employee  
24 organization or a bargaining agent of a public employee or public employee organization  
25 may engage in a strike and a public employee organization may authorize a strike of the  
26 members of the organization pursuant to the following procedures:

27 A. The membership of a public employee organization or unit of a public employee  
28 organization that is affected by the issue for which the strike is called must conduct a  
29 vote of a majority of members;

30 B. Upon an affirmative vote in paragraph A, the public employee organization or  
31 unit of the public employee organization shall deliver to the public employer of the  
32 employees voting to strike or the employer's agent a notice of the intent to strike and  
33 state the date upon which the strike will begin and the date upon which the strike will  
34 end; and

35 C. The public employee organization or unit of the public employee organization  
36 sending notice of a strike or public employer receiving notice of a strike under  
37 paragraph B may call for emergency bargaining within 3 days prior to the date upon  
38 which the strike is intended to start.

1           **Sec. 3. 26 MRSA §979-C, sub-§2**, as amended by PL 1997, c. 741, §5 and  
2 affected by §12, is further amended to read:

3           **2. State and legislative employee prohibitions.** ~~State~~ Except as provided under  
4 section 979-T, state and legislative employees, employee organizations, their agents,  
5 members and bargaining agents are prohibited from:

6           A. Interfering with, restraining or coercing employees in the exercise of the rights  
7 guaranteed in section 979-B or the public employer in the selection of ~~its~~ the public  
8 employer's representative for purposes of collective bargaining or the adjustment of  
9 grievances;

10          B. Refusing to bargain collectively with the public employer as required by section  
11 979-D; or

12          C. Engaging in:

13               (1) A work stoppage;

14               (2) A slowdown;

15               (3) A strike; or

16               (4) The blacklisting of the public employer for the purpose of preventing ~~it~~ the  
17 public employer from filling employee vacancies.

18           **Sec. 4. 26 MRSA §979-T** is enacted to read:

19           **§979-T. Authorized strikes**

20           **1. Authorization to engage in a strike.** A state or legislative employee, except for  
21 an employee whose duties include protecting public safety, a state or legislative employee  
22 organization, an agent of a state or legislative employee or state or legislative employee  
23 organization, a member of a state or legislative employee organization or a bargaining  
24 agent of a state or legislative employee or state or legislative employee organization may  
25 engage in a strike and a state or legislative employee organization may authorize a strike  
26 of the members of the organization pursuant to the following procedures:

27           A. The membership of a state or legislative employee organization or unit of a state  
28 or legislative employee organization that is affected by the issue for which the strike  
29 is called must conduct a vote of a majority of members;

30           B. Upon an affirmative vote in paragraph A, the state or legislative employee  
31 organization or unit of the state or legislative employee organization shall deliver to  
32 the state or legislative employer of the employees voting to strike in paragraph A or  
33 the employer's agent a notice of the intent to strike and state the date upon which the  
34 strike will begin and the date upon which the strike will end; and

35           C. The state or legislative employee organization or unit of the state or legislative  
36 employee organization sending notice of a strike or state or legislative employer  
37 receiving notice of a strike under paragraph B may call for emergency bargaining  
38 within 3 days prior to the date upon which the strike is intended to start.

1           **Sec. 5. 26 MRSA §1027, sub-§2**, as amended by PL 1989, c. 443, §72 and PL  
2 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

3           **2. University, academy, community colleges; prohibitions.** University Except as  
4 provided under section 1027-A, university employees, university employee organizations,  
5 their agents, members and bargaining agents; academy employees, academy employee  
6 organizations, their agents, members and bargaining agents; and community college  
7 employees, community college employee organizations, their agents, members and  
8 bargaining agents are prohibited from:

9           A. Interfering with, restraining or coercing employees in the exercise of the rights  
10 guaranteed in section 1023 or the university, academy and community colleges in the  
11 selection of their representatives for the purposes of collective bargaining or the  
12 adjustment of grievances;

13           B. Refusing to bargain collectively with the university, academy and community  
14 colleges as required by section 1026; ~~and~~ or

15           C. Engaging in:

16                   (1) A work stoppage, slowdown or strike; and

17                   (2) The blacklisting of the university, academy or community colleges for the  
18 purpose of preventing them from filling employee vacancies.

19           **Sec. 6. 26 MRSA §1027-A** is enacted to read:

20           **§1027-A. Authorized strikes**

21           **1. Authorization to engage in a strike.** A university, academy or community  
22 college employee, except for an employee whose duties include protecting public safety;  
23 a university, academy or community college employee organization; an agent of a  
24 university, academy or community college employee or a university, academy or  
25 community college employee organization; a member of a university, academy or  
26 community college employee organization; or a bargaining agent of a university,  
27 academy or community college employee or university, academy or community college  
28 employee organization may engage in a strike and a university, academy or community  
29 college employee organization may authorize a strike of the members of the organization  
30 pursuant to the following procedures:

31           A. The membership of a university, academy or community college employee  
32 organization or unit of a university, academy or community college employee  
33 organization that is affected by the issue for which the strike is called must conduct a  
34 vote of a majority of members;

35           B. Upon an affirmative vote in paragraph A, the university, academy or community  
36 college employee organization or unit of the university, academy or community  
37 college employee organization shall deliver to the university, academy or community  
38 college employer of the employees voting to strike in paragraph A or the employer's  
39 agent a notice of the intent to strike and state the date upon which the strike will  
40 begin and the date upon which the strike will end; and

1           C. The university, academy or community college employee organization or unit of  
2           the university, academy or community college employee organization sending notice  
3           of a strike or university, academy or community college employer receiving notice of  
4           a strike under paragraph B may call for emergency bargaining within 3 days prior to  
5           the date upon which the strike is intended to start.

6           **Sec. 7. 26 MRSA §1284, sub-§2**, as enacted by PL 1983, c. 702, is amended to  
7           read:

8           **2. Judicial employee prohibitions.** ~~Judicial~~ Except as provided under section  
9           1284-B, judicial employees, judicial employee organizations, their agents, members and  
10           bargaining agents are prohibited from:

11           A. Interfering with, restraining or coercing employees in the exercise of the rights  
12           guaranteed in section 1283 or the public employer in the selection of its  
13           representative for purposes of collective bargaining or the adjustment of grievances;

14           B. Refusing to bargain collectively with the public employer, as required by section  
15           1285; or

16           C. Engaging in:

17                   (1) A work stoppage;

18                   (2) A slowdown;

19                   (3) A strike; or

20                   (4) The blacklisting of the public employer for the purpose of preventing ~~the~~ the  
21                   public employer from filling employee vacancies.

22           **Sec. 8. 26 MRSA §1284-B** is enacted to read:

23           **§1284-B. Authorized strikes**

24           **1. Authorization to engage in a strike.** A judicial employee, except for an  
25           employee whose duties include protecting public safety, a judicial employee organization,  
26           an agent of a judicial employee or judicial employee organization, a member of a judicial  
27           employee organization or a bargaining agent of a judicial employee or judicial employee  
28           organization may engage in a strike pursuant to the following procedures:

29           A. The membership of a judicial employee organization or unit of a judicial  
30           employee organization that is affected by the issue for which the strike is called must  
31           conduct a vote of a majority of members;

32           B. Upon an affirmative vote in paragraph A, the judicial employee organization or  
33           unit of the judicial employee organization shall deliver to the judicial employer of the  
34           employees voting to strike in paragraph A or the employer's agent a notice of the  
35           intent to strike and state the date upon which the strike will begin and the date upon  
36           which the strike will end; and

37           C. The judicial employee organization or unit of the judicial employee organization  
38           sending notice of a strike or judicial employer receiving notice of a strike under

1 paragraph B may call for emergency bargaining within 3 days prior to the date upon  
2 which the strike is intended to start.

3 **SUMMARY**

4 This bill allows public employees, including municipal and county employees, state  
5 and legislative employees, university, academy and community college employees and  
6 judicial employees, but not including employees whose duties include protecting public  
7 safety, to strike pursuant to the official procedures of the employees' employee  
8 organization or under a process in which an affirmative vote to strike is held. The bill  
9 requires that notice be given to the public employer stating the dates upon which the  
10 strike will begin and end. The bill also provides that the employee organization or public  
11 employer may call for emergency bargaining within 3 days prior to the intended start of  
12 the strike.