

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

May 7, 1976

Representative William J. Garsoe  
Blanchard Road  
Cumberland Center, Maine 04021

Dear Representative Garsoe:

This responds to your letter to the Attorney General of May 6, 1976. In that letter you requested an opinion as to whether enactment of L.D. 2355 including, in Part D, implementation of the Hay Report, alters the state's obligation to negotiate wages with bargaining agents.

Our analyses of L.D. 2355, 26 M.R.S.A. § 979-D (the State's Obligation to Bargain) and 5 M.R.S.A. Chapters 51, 53, and 55 (the State Personnel Law) and P. & S.L. 1975 c. 90, § 7 (the current appropriations legislation) indicates that adoption of the Hay Report would not alter the State's obligation to bargain on wages as it currently exists.

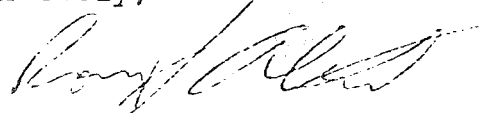
It may be asserted that implementation of the Hay Report specifying the wage for each classified position could preclude negotiation on wages. However, this would not be a strong legal position. Wages are an essential element of the bargaining process. We noted in our opinion of April 7 on this subject that enactment of L.D. 2342 (which is similar to 2355) would cause "no obstruction of the obligation to bargain specified in § 979-D." Across-the-board increases could be discussed, although implementation would have to be stayed pending legislative approval, as discussed in the opinion of April 7 on this subject.

There would be no significant difference from the current law as to discussion of across-the-board wage increases. Depending upon how they were characterized, wage increases for specifically identified smaller groups of employees might be considered more in the nature of grade or range changes about which negotiations could be restricted

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as discussed in the opinion of this date to Representative Richard A. Spencer. Without a specific fact situation, it would be difficult to render an opinion on what exact differences might occur between current law (with the restriction in P. & S.L. Chapter 90 § 7 repealed) and the Hay Study regarding wage increase proposals for specifically defined classes of employees.

Sincerely,



DONALD G. ALEXANDER  
Deputy Attorney General

DGA:mfe  
Enc.

cc: Senator Joseph Sewall  
Speaker John L. Martin  
Representative Richard A. Spencer  
Representative Mary Najarian  
S. Lanning Mosher