

# MAINE STATE LEGISLATURE

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*Education structure regarding Responsibility*  
*26 M.R.S.A. 1022-1-C*

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

September 19, 1978

Mrs. Inge L. Foster  
Chairman, State Board of Education  
Dresden, Maine 04342

Re: Collective Bargaining Under the University of  
Maine Labor Relations Act

Dear Mrs. Foster:

This is in response to your request for an opinion from this Office as to whether the Board may "utilize the services of persons other than the staff of the Office of State Employee Relations for the purpose of negotiating collective bargaining agreements."

Pursuant to 26 M.R.S.A. §1022.1-C the "State Board of Education shall utilize the Office of State Employee Relations ("OSER") for the purposes of this chapter" (26 M.R.S.A. Chapter 12, entitled "University of Maine Labor Relations Act"). To the extent that OSER is available to do the negotiating on behalf of the State Board then the State Board shall utilize only its services. However, if OSER is not available to conduct the negotiations, or any part thereof, on behalf of the State Board, and the State Board has been so advised in writing of OSER's unavailability, then the State Board has the authority to hire negotiators who are not on OSER's staff.

It is also my opinion that the State Board should utilize the services of OSER to the maximum extent possible even after an outside negotiator has become involved in representing the State Board. Neither I nor the Office of the Attorney General is in a position to judge to what extent OSER's services could best be utilized once an additional negotiator becomes involved.

Respectfully yours,

Waldemar G. Buschmann  
Assistant Attorney General

WGB:lm

cc: H. Sawin Millett, Jr.  
Donald Alexander