

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1776

H. P. 1410 House of Representatives, January 6, 1970
Committee on Labor suggested.

BERTHA W. JOHNSON, Clerk
Presented by Mr. Brennan of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

AN ACT Amending the Municipal Public Employees Labor Relations Law.

Emergency preamble. Whereas, chapter 424 of the public laws of 1969 was adopted by the last session of the Legislature ; and

Whereas, certain omissions and contradictions have become evident and need be clarified ; and

Whereas, these confusions are complicating the administration of the law ; and

Whereas, these confusions may create unrest and uncertainty among city employees and employers ; 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. R. S., T. 26, § 962, sub-§ 6, ¶ F, amended. Paragraph F of subsection 6 of section 962 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows :

F. Who has served less than 6 months on ~~On~~ a probationary or provisional status ~~or who is a temporary, seasonal, on call or part time employee.~~

Sec. 2. R. S., T. 26, § 962, sub-§ 6, ¶ G, additional. Subsection 6 of section 962 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424

of the public laws of 1969, is amended by adding a new paragraph G to read as follows:

G. Who is a temporary, seasonal, on-call or part-time employee.

Sec. 3. R. S., T. 26, § 966, amended. The first sentence of section 966 of Title 26 of the Revised Statutes of 1969 as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows:

In the event of a dispute between the public employer and an employee or employees as to the appropriateness of a unit for purposes of collective bargaining or between the public employer and an employee or employees as to whether a supervisory or other position is included in the bargaining unit, the commissioner shall make the determination, except that anyone excepted from the definition of public employee under section 962 may not be included in a bargaining unit.

Sec. 4. R. S., T. 26, § 967, amended. The 4th sentence of the 3rd paragraph of section 967 of Title 26 of the Revised Statutes as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows:

When an organization receives the majority of votes of ~~the unit~~ those voting, the commissioner shall certify it as the bargaining agent.

Sec. 5. R. S., T. 26, § 967, amended. The 2nd sentence of the 5th paragraph of section 967 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows:

Where there is a valid collective bargaining agreement in effect, no question ~~of concerning unit or~~ representation may be raised except during the period not more than 90 nor less than 60 days prior to the expiration date of the agreement.

Sec. 6. R. S., T. 26, § 968, sub-§ 1, amended. Subsection one of section 968 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is amended by adding after the 2nd sentence the following:

Members of the board shall each receive \$50 a day for their services, for the time actually employed in the discharge of their official duties.

Sec. 7. R. S., T. 26, § 965, sub-§ 1, ¶ C, amended. Paragraph C of subsection 1 of section 965 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows:

C. To confer and negotiate in good faith with respect to wages, hours, public employee organizations' security agreements, working conditions and contract grievance arbitration except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession and except that public employers of teachers shall meet and consult but not negotiate with respect to educational policies for the purpose of this paragraph, educational policies shall not include wages, hours, working conditions or contract grievance arbitration;

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.