

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1974**

H. P. 1531

House of Representatives, January 24, 1972

The Committee on Labor suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Haskell of Houlton.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-TWO

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**AN ACT Relating to Inherent Managerial Functions Under the  
Municipal Employees Labor Relations Law.**

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

Whereas, existing law is not clear in terms of the definition of educational policy; and

Whereas, public funds are now being expended in increasing amounts to resolve this lack of clarity through mediation, fact-finding, arbitration and other courses of legal action; and

Whereas, it is imperative that the quality of public education not suffer as a result of the ill feeling which is produced between labor and management parties as a result of this lack of clarity in the definition of educational policy; 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:

**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, 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~~ shall not be required to negotiate over matters of inherent managerial policy, which shall include but shall not be limited to such areas of discretion or policy as the functions and programs of the public employer, standards of services, its overall budget, utilization of technology, the organizational structure and the selection and direction of personnel ;

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

#### STATEMENT OF FACT

This legislation would identify several broad areas of educational policy which are inherent managerial functions and as such are not negotiable. Such policy areas would continue, however, to be subject to "meet and consult" requirements.