

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1157

H. P. 869

House of Representatives, February 26, 1973

Referred to the Committee on Labor. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Haskell of Houlton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Bargaining by Public Employers and Employees
under Municipal Public Employees Labor Relations Law.

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

R. S., T. 26, § 965, sub-§ 1, ¶ C, repealed and replaced. Paragraph C of subsection 1 of section 965 of Title 26 of the Revised Statutes is repealed and the following enacted in place thereof:

C. To confer and negotiate with respect to wages, hours, terms and conditions of employment and contract grievance arbitration, except that by such obligation:

- (1) Neither party shall be compelled to agree to a proposal or be required to make a concession, and that
- (2) Public employers shall not negotiate with respect to their right;
 - (a) To hire, suspend or terminate employees and the right to promote, demote, assign, transfer and retain employees in positions under their control;
 - (b) To schedule and direct the work of their employees;
 - (c) To determine the methods, means and numbers and types of personnel by which their operations are to be carried on;
 - (d) To modify programs and personnel with respect to budgetary resources;
 - (e) To maintain the efficiency of their operations;
 - (f) To take actions as may be necessary to carry out their operations in emergencies; and

(g) To determine the use of physical plant and other facilities.

In addition, public employers of teachers shall meet and consult, but shall not negotiate, with respect to curriculum content and materials, class size, numbers and types of extra-curricular programs, and the length of the school day and school year for students. Controversies over the negotiability of subjects proposed in collective bargaining by either a public employer or a public employee bargaining agent may be submitted to the Public Employees Labor Relations Board by either party for interpretation under section 968, subsection 3.

STATEMENT OF FACT

The parameters of collective bargaining in the public sector must be clarified by legislatively determined policies and goals. Listing the duties and responsibilities of public management will moderate the escalation of negotiations which tends to detract from the protection of the public interest in municipal and quasi-municipal operations. Public employer-employee agreements should facilitate rather than impede the conduct of public business.

Wages, hours and terms and conditions of employment are left for the bargaining table. In addition, school committees and boards of school directors have the obligation to meet and consult on issues to which the input of their professional employees may be of significance.