

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-761)  
107TH LEGISLATURE

HOUSE AMENDMENT "A" to S.P. 243, L.D. 827, Bill, "AN ACT  
Extending Collective Bargaining Rights to University of Maine  
Employees."

Amend said Bill by striking out all of that part designated  
"§1021." and inserting in place thereof the following:

'§1021. Purpose

It is declared to be the public policy of this State and it  
is the purpose of this chapter to promote the improvement of the  
relationship between public employers and their employees and  
students by providing a uniform basis for recognizing the right of  
the University of Maine employees and students to join labor or  
student organizations of their own choosing and to be represented  
by such organizations in collective bargaining for terms and  
conditions of employment or education.'

Further amend said Bill by striking out all of subsection 1  
of that part designated "§1022." and inserting in place thereof  
the following:

'1. Bargaining agent. "Bargaining agent" means any lawful  
organization, association or individual representative of such  
organization or association which has as one of its primary  
purposes the representation of employees or students in their  
employment or educational relations with the university and which has  
been certified by the ~~executive~~ director of the Public Employees  
Labor Relations Board.'

Further amend said Bill by inserting after subsection 8 of that part designated "§1022." the following:

'8-A. Student. "Student" means any person enrolled in a degree program at any of the campuses or units of the University of Maine.'

Further amend said Bill by striking out all of that part designated "§1023." and inserting in place thereof the following: '§1023. Right of university employees or students to join labor or student bargaining organizations

No one shall directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against university employees or students or a group of university employees or students in the free exercise of their rights, hereby given, voluntarily to join, form and participate in the activities of organizations of their own choosing for the purposes of representation and collective bargaining, or in the free exercise of any other right under this chapter.'

Further amend said Bill by inserting after paragraph F of subsection 1 of that part designated "§1024." the following:

'G. Students.'

Further amend said Bill by inserting in the 2nd sentence of subsection 3 of that part designated "§1024." after the underlined words and punctuation: "employee orgainzations " the following: 'or student organizations'

Further amend said Bill by inserting in the last sentence of subsection 3 of that part designated "§1024." after the underlined words: "to insure employees" the following: 'and students'

Further amend said Bill by striking out all of the first sentence of subsection 1 of that part designated "§1025." and inserting in place thereof the following:

'Any employee or student organization may file a request with the university alleging that a majority of the university employees or students in an appropriate bargaining unit as established in section 1024 wish to be represented for the purpose of collective bargaining between the university and the employees' organization.'

Further amend said Bill by striking out all of paragraph A of subsection 2 of that part designated "§1025." and inserting in place thereof the following:

'A. The executive director of the board, upon signed request of the university alleging that one or more university employees or students, or employee or student organizations have presented to it a claim to be recognized as the representative of a bargaining unit of university employees or students, or upon signed petition of at least 30% of a bargaining unit of university employees or students that they desire to be represented by an organization, shall conduct a secret ballot election to determine whether the organization represents a majority of the members of the bargaining unit.'

Further amend said Bill by striking out all of the first sentence of paragraph B of subsection 2 of that part designated "§1025." and inserting in place thereof the following:

'The ballot shall contain the name of such organization and that of any other organization showing written proof of at least 10% representation of the university employees or students within the unit, together with a choice for any university employee or student to designate that he does not desire to be represented by any bargaining agent.'

Further amend said Bill by inserting in the 2nd sentence of paragraph B of subsection 2 of that part designated "§1025." after the underlined words "the university employees" the following: 'or students'

Further amend said Bill by inserting in the 5th sentence of paragraph B of subsection 2 of that part designated "§1025." after the words: "all of the employees" the following: 'or students'

Further amend said Bill by inserting in the first line of paragraph C of subsection 2 of that part designated "§1025." after the words "of the employees" the following: 'or students'

Further amend said Bill by inserting after paragraph C of subsection 2 of that part designated "§1026." the following:

'C-1. With respect to negotiations between the university and student organizations to confer and negotiate in good faith on items which directly affect the quality and scope of the student's education or the quality and scope of services provided to students by the university.'

Further amend said Bill by striking out all of paragraph A of subsection 2 of that part designated "\$1026." and inserting in place thereof the following:

'A. It is the declared policy of the State to provide full and adequate facilities for the settlement of disputes between the employer and employees or their representatives, the university and students or their representatives, through mediation.'

Further amend said Bill by striking out all of paragraph C of subsection 2 of that part designated "\$1026." and inserting in place thereof the following:

'C. The employer, union, employees or students involved in collective bargaining shall notify the Executive Director of the Public Employees Labor Relations Board, in writing, at least 30 days prior to the expiration of a contract, or 30 days prior to entering into negotiations for a first contract between the employer and employees or between the university and students, or whenever a dispute arises between the parties threatening interruption of work, or under both conditions.'

Further amend said Bill by striking out all of the first 2 lines of that part designated "\$1027." and inserting in place thereof the following:

'\$1027. Prohibited acts of the university; university employees and university employee organizations, students and student bargaining organizations'

Further amend said Bill by inserting in paragraph A of subsection 1 of that part designated "§1027." after the underlined words "coercing employees" the following: 'or students'

Further amend said Bill by inserting at the end of paragraph B of subsection 1 of that part designated "§1027." and before the punctuation, the following: 'or encouraging or discouraging membership in any student organization by discrimination in regard to education or dissemination of services by the university'

Further amend said Bill by inserting before the last word and punctuation of paragraph C of subsection 1 of that part designated "§1027." the following words: 'or student'

Further amend said Bill by inserting in paragraph D of subsection 1 of that part designated "§1027." after the underlined words " an employee" the following: 'or student'

Further amend said Bill by striking out all of paragraphs E and F of subsection 1 of that part designated "§1027." and inserting in place thereof the following:

'E. Refusing to bargain collectively with the bargaining agent of its employees or students as required by section 1026;

F. Blacklisting of any employee or student organization or its members for the purpose of denying them employment or education.'

Further amend said Bill by striking out all of the first paragraph of subsection 2 of that part designated "§1027." and inserting in place thereof the following:

'2. University employee<sup>and student</sup>/prohibitions. University employees, university employee organizations, students and student organizations, their agents, members and bargaining agents are prohibited from:'

Further amend said Bill by inserting in the first line of paragraph A of subsection 2 of that part designated "§1027." after the words "coercing employees" the following: 'or students'

Further amend said Bill by inserting in the first sentence of subsection 1 of that part designated "§1029." after the words "university employee organizations" the following: 'any student, any student organization '

Further amend said Bill by striking out all of the first sentence of subsection 2 of that part designated "§1029." and inserting in place thereof the following:

'The university, any university employee, any university employee organization, <sup>any</sup> student, any student organization or any bargaining agent which believes that any person, the university, any university employee, any university employee organization, any student, any student organization or any bargaining agent has engaged in or is engaging in any such prohibited practice may file a complaint with the executive director of the board stating the charges in that regard.'



Further amend said Bill by striking out all of the last sentence of subsection 3 of that part designated "§1029." and inserting in place thereof the following: 'No order of the board shall require the reinstatement of any individual as an employee or student who has been suspended or dismissed, or the payment to him of any back pay or tuition, if such individual was suspended or dismissed for cause.'

Further amend said Bill by inserting in the first sentence of subsection 6 of that part designated "§1029." after the words: "university employee" <sup>organization</sup> the following: 'or student or student organization'

Further amend said Bill by striking out in the first line of subsection 7 of that part designated "§1029." the following: "Either" and inserting in place thereof the following: 'Any'

Further amend said Bill by striking out all of that part designated "§1032." and inserting in place thereof the following:

'§1032. Suits by and against unincorporated employee organizations

In any judicial proceeding brought under this chapter or to enforce any of the rights guaranteed by this chapter, any unincorporated employee organization or any unincorporated student organization may sue or be sued in the name by which it is known.'

STATEMENT OF FACT

The purpose of this amendment is to establish for students at the University of Maine a system of collective bargaining separate from, but identical to, the system provided for employees by committee amendment S-288, except that student organizations shall be limited to negotiations on items which directly affect the quality and scope of the student's education or services provided to students by the university.

Filed by Mr. Davies of Orono.

Reproduced and distributed under the direction of the Clerk of the House.

6/16/75

(Filing No. H-761)