

# MAINE STATE LEGISLATURE

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L.D. 2155  
(Filing No. S-585)

STATE OF MAINE  
SENATE  
108TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 708, L.D. 2155, Bill, "AN ACT to Insure Local Control Over Education Policy."

Amend the bill by striking out the title and inserting in its place the following:

'AN ACT to Increase Local Control Over Educational Policy.'

Further amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 26 MRSA §965, sub-§4, 4th ¶, as last amended by PL 1975, c.564, §18, is further amended ←----> by inserting after the first sentence the following new sentences to read:

If either party to the interest arbitration proceeding alleges that any issue or issues heard and decided therein involved educational policy as defined in section 965, subsection 1, paragraph C , the arbitration proceeding shall not be reviewable by the Superior Court, as provided herein, until the Maine Labor Relations Board shall have ruled on the controversy and determined whether the issue or issues involved were matters of educational policy or working conditions, the ruling by the board to be in response to a prohibited practice complaint filed by the aggrieved party to the arbitration proceeding. Any remaining issue or issues not so complained of by the aggrieved party to the arbitration proceeding shall become effective as either recommendations or binding determinations, respectively, as provided above, effective on the date of issuance of the interest arbitration report.

Sec. 2. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

|                             | <u>1978-79</u> |
|-----------------------------|----------------|
| MAINE LABOR RELATIONS BOARD |                |
| Personal Services           | (1) \$11,700   |
| All Other                   | 1,260          |
| Capital Expenditures        | <u>1,600</u>   |
| Total                       | \$14,560'      |

#### Statement of Fact

Section 1 of this amendment clarifies the practice for a review by the Maine Labor Relations Board of the subject matter of an interest arbitration case. It provides that any party aggrieved by the interest arbitration decision may seek a ruling as to whether any issues ruled on in that decision by the arbitrators were working conditions or educational policy, the latter being subject only to "meet and confer" requirements of section 965 of the Municipal Public Employees Labor Relations Act. This measure provides consistency in the determination of whether issues are working conditions or educational policy and assures that the decisions are uniformly made on a state-wide basis, rather than by individual arbitrators.

Section 2 of this amendment contains a funding citation for the implementation of this measure. It provides an additional position for a hearings reporter or equivalent clerical personnel to assume the workload generated by this amendment along with funds for an additional hearing day per month for the members of the Maine Labor Relations Board. It contains capital funds for a work station, including desk, chair, typewriter and dictation equipment. "All Other" funds are projected at \$80 per month for the additional hearing days and travel required by board members and staff, and \$300 for the printing and distribution of amended copies of the bill.

Reported by the Committee on Education.

Reproduced and distributed pursuant to Senate Rule 11-A.

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