

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

(EMERGENCY)  
New Title  
New Draft of S. P. 708, L. D. 2155  
SECOND REGULAR SESSION

---

---

ONE HUNDRED AND EIGHTH LEGISLATURE

---

---

**Legislative Document**

**No. 2203**

---

---

S. P. 752

In Senate, March 17, 1978

Reported by 7 members from the Committee on Education in Report "A" and printed under Joint Rules No. 2.

MAY M. ROSS, Secretary

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

---

**AN ACT to Clarify the Collective Bargaining Laws for Teachers and to Establish a  
Commission to Study the Problems Relating Thereto.**

---

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

Whereas, serious questions have been raised about the existing collective bargaining laws for teachers; and

Whereas, sound collective bargaining laws are essential to protect both the policy-making role of local school boards and the bargaining rights of teachers; and

Whereas, an immediate review of those laws is needed to assure that the State has provided an adequate statutory framework for collective bargaining; 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 vitally 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. 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 has ruled on the controversy and determined whether the issue or issues involved were matters of educational policy or working conditions, this ruling by the board to be in response to a prohibited practice complaint filed by the aggrieved party to 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. Commission for Collective Bargaining for Teachers.** There is created the Commission for Collective Bargaining for Teachers hereinafter known as the "commission." The commission shall be composed of 15 members, as follows: One from the Maine Municipal Association, one member from the Maine Teachers Association, one member from the Maine School Management Association, 2 members who are members of local school boards or committees, 2 members who are classroom teachers, 2 members of the Joint Standing Committee on Education, 2 members of the Joint Standing Committee on Labor and 4 members from the general public.

The members shall be appointed as follows: The members from the Maine Municipal Association, the Maine Teachers Association and the Maine School Management Association shall be appointed respectively by these 3 organizations. One member of a local school board or committee, one classroom teacher, one member of the Joint Standing Committee on Education, one member of the Joint Standing Committee on Labor and 2 members from the general public shall be selected by the President of the Senate. One member of a local school board or committee, one classroom teacher, one member of the Joint Standing Committee on Education, one member of the Joint Standing Committee on Labor and 2 members from the general public shall be appointed by the Speaker of the House.

The members shall be appointed in a timely manner and the commission shall hold an organizational meeting within 30 days after the adjournment of the Legislature at the call of the Chairman of the Legislative Council. At this meeting the commission shall elect a chairman and a vice-chairman from within the membership.

The commission shall:

1. **Existing collective bargaining law and LD 2155.** Study the existing collective bargaining laws and the content of LD 2155;
2. **Effectiveness of collective bargaining for teachers.** Receive testimony and assess the impact of the existing collective bargaining process as it effects teachers;
3. **Effect on local school board.** Assess the impact of the collective bargaining process on the role of the local school board as the principle source of educational policy decisions;
4. **Instances of impasse.** Collect information relating to the frequency and nature of the causes of instances of impasse; and
5. **Improvements in the process.** Indentify statutory and nonstatutory changes required to improve the collective bargaining process.

The commission shall present its findings, together with any suggested legislation to the First Regular Session of the 109th Legislature. Members shall receive reimbursement for the necessary actual expenses incurred in carrying out their duties. All exeutive departments are directed to give prompt assistance to the commission.

The commission is authorized to accept funds from any agency of the United States, from any private foundation and from any other public or private source for the purpose of carrying out this Act.

**Sec. 3. Appropriation.** There is appropriated from the General Fund the following sums to carry out the purposes of this Act:

	1978-79
MAINE LABOR RELATIONS BOARD	
Personal Services (1)	\$11,700
All Other	1,260
Capital Expenditures	1,600
	<hr/>
	\$14,560
	1978-79
COMMISSION FOR COLLECTION BARGAINING FOR TEACHERS	
All Other	\$10,000

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

### STATEMENT OF FACT

Section 1 of this new draft 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 the such decisions are uniformly made on a state-wide basis, rather than by individual arbitrators.

Section 2 of this new draft creates an interim commission to study the collective bargaining laws and the content of LD 2155 and report to the First Regular Session of the 109th Legislature.

Section 3 contains 2 appropriations for the implementation of this measure. The first appropriation to the Maine Labor Relations Board provides an additional position for a hearing 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 also 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 this Act. The 2nd appropriation to the Commission for Collective Bargaining is to meet their operating expenses for the year.