

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 396

6
7 H.P. 337

House of Representatives, February 1, 1983

8 On Motion of Representative Beaulieu of Portland referred to the
9 Committee on Labor. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Gauvreau of Lewiston.

Cosponsor: Representative Brannigan of Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Make the Definition of a
18 Municipal Public Employee Consistent
19 with the Definition of a State Employee
20 for Purposes of Collective Bargaining.
21

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

24 26 MRSA §962, sub-§6, as amended by PL 1981, c.
25 698, §117, is further amended to read:

26 6. Public employee. "Public employee" means any
27 employee of a public employer, except any person:

28 A. Elected by popular vote; or

29 B. Appointed to office pursuant to statute,
30 ordinance or resolution for a specified term of
31 office by the executive head or body of the
32 public employer, except that appointees to county

1 offices shall not be excluded under this para-
2 graph unless defined as a county officer under
3 Title 30, section 1502; ~~or~~

4 C. Whose duties as deputy, administrative assis-
5 tant or secretary necessarily imply a confiden-
6 tial relationship to the executive head, body,
7 department head or division head; or Whose
8 duties necessarily imply a confidential relation-
9 ship with respect to matters subject to collec-
10 tive bargaining as between that person and the
11 executive head or body of the public employer, a
12 department head, a body having appointive power
13 within the public employer or any other official
14 or employee excepted by this section;

15 D. Who is a department head or division head
16 appointed to office pursuant to statute, ordi-
17 nance or resolution for an unspecified term by
18 the executive head or body of the public
19 employer; ~~or~~

20 E. Who is a superintendent or assistant superin-
21 tendent of a school system; ~~or~~

22 F. Who has been employed less than 6 months;

23 G. Who is a temporary, seasonal or on-call
24 employee; ;

25 H. Who is an attorney for the public employer;
26 or

27 I. Who substantially participates in the formu-
28 lation and effectuation of policy in a department
29 or agency, or has a major role, other than a
30 typically supervisory role, in the administration
31 of a collective bargaining agreement in a depart-
32 ment or agency.

33 STATEMENT OF FACT

34 Since 1977, several changes have been made in the
35 definition of a state employee under the State
36 Employees Labor Relations Act. Those changes have
37 refined the definition of which positions are eligi-

1 ble to be included in a union, excluding those who
2 have policy making roles, who are involved in collec-
3 tive bargaining, and who are attorneys for the State.
4 The Municipal Public Employees Labor Relations Law
5 does not contain these specific exclusions, and this
6 amendment conforms the municipal act to the state act
7 in regard to which positions may be unionized.

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