## MAINE STATE LEGISLATURE

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	FIRST REGULAR SESSION	1
ONE	HUNDRED AND TWELFTH LEGI	SLATURE
Legislative Docu	ıment	No. 49
H.P. 43 Reference to	House of Representhe Committee on Labor suggested	tatives, January 15, 1985
	I	EDWIN H. PERT, Clerk
Presented by Repr	resentative Beaulieu of Portland.	
	STATE OF MAINE	
NII	IN THE YEAR OF OUR LOF NETEEN HUNDRED AND EIGHTY	
	to Modify Unit Clarificat nicipal Public Employees Relations Act.	
Be it enacted follows:	d by the People of the St	ate of Maine as
<b>26 MRSA</b> 697, §2, is : place:	§966, sub-§3, as enacterepealed and the following	ed by PL 1975, c. ag enacted in its
	clarification. The proc pargaining units shall be	
fied or where a concludes ployer or	unit where there is a crecognized bargaining reguestion exists as to what a particular position for bargaining represent of the property of th	presentative and tether the unit the public em- tative for the

B. The public employer of or certified or recognized bargaining representative for a bargaining unit may file a petition to clarify the unit to include positions not within the unit as currently defined. Upon the executive director's or his designee's finding that the expanded unit would be appropriate for bargaining, he shall order an election to determine whether a majority of the employees occupying the positions to be added desire to be represented by the bargaining representative within the expanded unit. If a majority of those voting elect inclusion, the executive director shall certify the bargaining agent for the expanded unit. The parties shall thereupon bargain over modifications needed in order to provide for the wages, hours and working conditions or contract grievance arbitration for the newly included positions in any existing collective bargaining agreement or any collective bargaining agreement being negotiated.

 C. The executive director or his designee conducting unit clarification proceedings shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues represented to them.

## STATEMENT OF FACT

The Municipal Public Employees Labor Relations Act presently requires the finding by the executive director of "substantial change" before a position can be added to an existing bargaining unit. This substantial change requirement frequently leads to unnecessary fragmentation of bargaining units and inefficiency. This bill does away with the substantial change requirements and provides a mechanism for public employees making their own determination as to whether to be added to an existing bargaining unit.

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