

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 433

6  
7 S.P. 164

In Senate, February 5, 1985

8 Referred to the Committee on Labor and ordered printed. Sent down for  
9 concurrence.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Bustin of Kennebec.

Cosponsored by Representative Beaulieu of Portland, Representative  
11 Randall of East Machias and Senator Gauvreau of Androscoggin.

12 STATE OF MAINE  
13

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

17 AN ACT Amending the Municipal Public  
18 Employees Labor Relations Act to  
19 Provide for Newly Recognized or  
20 Certified Bargaining Agent to Bargain  
21 Fiscal Matters within 120 Days of  
22 Conclusion of Current Fiscal Operating  
23 Budget.  
24

25 Be it enacted by the People of the State of Maine as  
26 follows:

27 26 MRSA §965, sub-§1, as amended by PL 1981, c.  
28 137, §2, is further amended to read:

29 1. Negotiations. It shall be the obligation of  
30 the public employer and the bargaining agent to bar-  
31 gain collectively. "Collective bargaining" means, for  
32 the purposes of this chapter, their mutual obliga-  
33 tion:

34 A. To meet at reasonable times;

1 B. To meet within 10 days after receipt of writ-  
2 ten notice from the other party requesting a  
3 meeting for collective bargaining purposes, pro-  
4 vided the parties have not otherwise agreed in a  
5 prior written contract;

6 C. To confer and negotiate in good faith with  
7 respect to wages, hours, working conditions and  
8 contract grievance arbitration, except that by  
9 such obligation neither party shall be compelled  
10 to agree to a proposal or be required to make a  
11 concession and except that public employers of  
12 teachers shall meet and consult but not negotiate  
13 with respect to educational policies; for the  
14 purpose of this paragraph, educational policies  
15 shall not include wages, hours, working condi-  
16 tions or contract grievance arbitration;

17 D. To execute in writing any agreements arrived  
18 at, the term of any such ~~such~~ agreement to be  
19 subject to negotiation but shall not exceed 3  
20 years; and

21 E. To participate in good faith in the media-  
22 tion, fact-finding and arbitration procedures re-  
23 quired by this section.

24 Whenever wages, rates of pay or any other matter re-  
25 quiring appropriation of money by any municipality or  
26 county are included as a matter of collective bar-  
27 gaining conducted pursuant to this chapter, it is the  
28 obligation of the bargaining agent to serve written  
29 notice of request for collective bargaining on the  
30 public employer at least 120 days before the conclu-  
31 sion of the current fiscal operating budget, except  
32 that this requirement is waived in the event that a  
33 bargaining agent is recognized or certified during  
34 the period not more than 120 days nor less than 30  
35 days prior to the end of the fiscal period.

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STATEMENT OF FACT

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A bargaining agent that is recognized or certified within 120 days before the conclusion of the current fiscal operating budget is precluded from bargaining over wages, rates of pay or any other matter requiring appropriation of money for at least another year's duration, which effectively denies collective bargaining to these employees for an extended period of time.

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