

# 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)



# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

---

Legislative Document

No. 434

H.P. 318

House of Representatives, February 24, 1989

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative WEBSTER of Cape Elizabeth.  
Cosponsored by Representative REED of Falmouth.

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

---

**An Act to Amend the Municipal Public Employees Labor Relations  
Law.**

---



1 **Be it enacted by the People of the State of Maine as follows:**

3 **26 MRSA §966, sub-§1, as amended by PL 1975, c. 697, §1, is**  
5 **further amended to read:**

7 **1. Bargaining unit standards.** In the event of a dispute  
9 between the public employer and an employee or employees as to  
11 the appropriateness of a unit for purposes of collective  
13 bargaining or between the public employer and an employee or  
15 employees as to whether a supervisory or other position is  
17 included in the bargaining unit, the executive director or his  
19 the executive director's designee shall make the determination,  
21 except that anyone excepted from the definition of public  
23 employee under section 962 may not be included in a bargaining  
25 unit. The executive director or his the executive director's  
27 designee conducting unit determination proceedings shall have the  
29 power to administer oaths and to require by subpoena the  
31 attendance and testimony of witnesses, the production of books,  
33 records and other evidence relative or pertinent to the issues  
35 represented to them. In determining whether a supervisory  
37 position should be excluded from the proposed bargaining unit,  
the executive director or his the executive director's designee  
shall consider, among other criteria, if the principal functions  
of the position are characterized by performing such management  
control duties as scheduling, assigning, overseeing and reviewing  
the work of subordinate employees, or performing such duties as  
are distinct and dissimilar from those performed by the employees  
supervised, or exercising judgment in adjusting grievances,  
applying other established personnel policies and procedures and  
in enforcing a collective bargaining agreement or establishing or  
participating in the establishment of performance standards for  
subordinate employees and taking corrective measures to implement  
those standards. ~~Nothing in this chapter is intended to require  
the exclusion of principals, assistant principals, other  
supervisory employees from school system bargaining units which  
include teachers and nurses in supervisory positions.~~

39 **STATEMENT OF FACT**

41 This bill removes a provision relating to the inclusion of  
43 principals and other school system supervisors in bargaining  
45 units which include teachers. This provision is unnecessary due  
47 to the fact that the Maine Revised Statutes, Title 26, section  
966, subsection 1, clearly provides for a process to determine  
whether supervisory positions should be excluded from a proposed  
bargaining unit.