

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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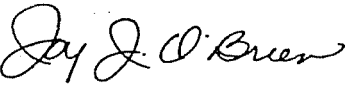
Legislative Document

No. 650

S.P. 260

In Senate, March 7, 1989

Reference to the Committee on Labor suggested and ordered printed.

  
JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DUTREMBLE of York

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STATE OF MAINE

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

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**An Act to Provide for the Merger of Bargaining Units Represented by a Single Bargaining Agent under the Municipal Employees Labor Relations Law.**

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

3 **26 MRSA §966, sub-§4, is enacted to read:**

5 4. Unit merger; same bargaining agent. Where there is the  
7 same certified or currently recognized bargaining representative  
9 of public employees in multiple bargaining units with the same  
11 public employer, the public employer or certified or recognized  
13 bargaining representative may file a petition with the executive  
15 director to merge or combine those bargaining units. Upon the  
17 finding of the executive director or the director's designee that  
19 the expanded unit would conform with the requirements set forth  
21 in this section, the executive director shall order an election  
23 within each bargaining unit to determine whether a majority of  
the employees voting in each bargaining unit wish to be within  
the expanded unit. If a majority of those voting in each  
bargaining unit elect inclusion, the executive director or the  
director's designee shall certify the bargaining agent for the  
expanded unit. The parties shall then 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.

25 A. Where there is an unexpired collective bargaining  
27 agreement in the merged bargaining unit with a different  
29 expiration date from any other collective bargaining  
31 agreement in the merged bargaining unit, all contracts shall  
33 be honored to their expiration date unless mutually agreed  
to otherwise by the public employer and the bargaining  
agent. Collective bargaining agreements may be bargained on  
an interim basis in any merged bargaining unit so that all  
collective bargaining agreements expire on the same date.

35 B. A bargaining unit composed of a majority of supervisors  
37 is ineligible to merge or combine under this subsection with  
any other bargaining unit.

39 C. A public employer or certified or recognized bargaining  
41 representative may not file more than once a year with the  
43 executive director to merge or combine bargaining units for  
the same bargaining unit.

45 D. The executive director or the director's designee  
47 conducting unit merger proceedings may administer oaths and  
49 may require by subpoena the attendance and testimony of  
witnesses, the production of books, records and other  
evidence relating to the issues presented to the director or  
the director's designee.

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### STATEMENT OF FACT

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Presently, there is unnecessary fragmentation of bargaining units which are represented by the same bargaining representative and which have the same public employer. The municipal public employees labor relations laws require a public employer and the bargaining agent representing multiple bargaining units to voluntarily agree to combine or merge existing bargaining units. This impediment has led to inefficiency and unnecessary fragmentation. This bill provides a mechanism for public employees in bargaining units represented by the same bargaining representative and with the same public employer to determine whether or not they wish to combine or merge bargaining units.