

# 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)

R. of S.

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45

L.D. 1744  
(Filing No. S-313)

STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 649, L.D. 1744, Bill, "An Act Concerning the Public Utilities Commission"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, for collective bargaining negotiations to proceed on schedule, the provisions of this legislation need to take effect as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'35-A MRSA §7304 is enacted to read:

§7304. Limitation on commission's authority to order competitive bidding

The commission shall issue no order and promulgate no rule that limits the full exercise of bargaining rights available to management and any union representing labor under the National Labor Relations Act, Public Law 1935, No. 198; United States Code, Title 29, Section 151 et seq. over the issue of who has the

COMMITTEE AMENDMENT "A " to S.P. 649, L.D. 1744

1 right to perform construction work on telephone facilities.  
2 Nothing in this section may be construed to imply a requirement  
3 that work must be contracted out or must be performed exclusively  
4 by the company's own work force; any such determination is to be  
5 left to bargaining between the parties. In addition, nothing in  
6 this section may limit the ability of the commission to establish  
7 reasonable rates for consumers.

9 **Emergency clause.** In view of the emergency cited in the  
10 preamble, this Act shall take effect when approved.'

11

13

### STATEMENT OF FACT

15 This amendment prohibits the Public Utilities Commission  
16 from issuing an order or promulgating a rule that limits the full  
17 exercise of bargaining rights available to management and any  
18 union representing labor under the National Labor Relations Act,  
19 Public Law 1935, No. 198; United States Code, Title 29, Section  
20 151 et seq. over the issue of who shall have the right to perform  
21 construction work on telephone facilities. Nothing in this  
22 amendment may be construed to imply a requirement that work must  
23 be contracted out or must be performed exclusively by the  
24 company's own work force, since such a determination is to be  
25 left to bargaining between the parties. In addition, nothing in  
26 the amendment limits the ability of the commission to establish  
27 reasonable rates for consumers.

Reported by Senator Carpenter for the Committee on Utilities.  
Reproduced and Distributed Pursuant to Senate Rule 12.  
(6/16/89) (Filing No. S-313)