

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 932

S.P. 342

In Senate, March 4, 1991

Received by the Secretary of the Senate on March 4, 1991. Referred to the Committee on Labor and 1,400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator PEARSON of Penobscot

Cosponsored by Representative CAHILL of Mattawamkeag, Representative NADEAU of Saco and Senator ESTY of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**Resolve, to Establish the Task Force on Local Public Employee  
Collective Bargaining.**

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(EMERGENCY)



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

4  
6           Whereas, no effective method of resolving public employee  
collective bargaining impasses exists; and

8           Whereas, this situation results in public employers and  
employees working without contracts, high legal fees for  
10 municipalities and employees and increased pressure on  
municipalities to raise local property taxes; and

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14           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  
16 necessary for the preservation of the public peace, health and  
safety; now, therefore, be it

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20           **Sec. 1. Task force established. Resolved:** That the Task Force on  
Local Public Employee Collective Bargaining is created consisting  
of 9 regular members and one ex officio member who serves as  
22 chair; and be it further

24           **Sec. 2. Membership; chair. Resolved:** That the Governor shall  
appoint 3 members: one municipal official to represent  
26 municipalities; one public employee union official to represent  
employees; and one neutral member selected from the State Board  
of Arbitration and Conciliation or the lists of members provided  
28 by the Maine Labor Relations Board for its panel of mediators and  
panel of fact finders.

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32           The President of the Senate shall appoint 3 members: one  
municipal official to represent municipalities; one public  
34 employee union official to represent employees; and one neutral  
member selected from the State Board of Arbitration and  
36 Conciliation or the lists of members provided by the Maine Labor  
Relations Board for its panel of mediators and panel of fact  
38 finders.

40           The Speaker of the House of Representatives shall appoint 3  
members: one municipal officer to represent municipalities; one  
42 public employee union official to represent employees; and one  
neutral member selected from the State Board of Arbitration and  
44 Conciliation or the lists of members provided by the Maine Labor  
Relations Board for its panel of mediators and panel of fact  
46 finders.

48           Appointments must be made not later than 30 days following  
the effective date of this resolve. The appointing authorities  
50 shall notify the Executive Director of the Legislative Council  
when appointments are completed.

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2 The Executive Director of the Maine Labor Relations Board is  
the ex officio member of the task force and serves as chair; and  
be it further

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6 **Sec. 3. Meetings. Resolved:** That the chair shall convene the  
first meeting of the task force not later than 30 days after  
8 appointment of all members. The task force shall meet at least  
monthly and at the call of the chair or a majority of members of  
the task force; and be it further

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12 **Sec. 4. Duties and powers. Resolved:** That the task force shall  
evaluate methods of impasse resolution in public employee  
14 bargaining. Subjects to be considered include, but are not  
limited to, mediation, fact-finding, arbitration and  
16 conciliation, the lack of binding arbitration rights for public  
employees in the State, the lack of the right to strike for  
public employees in the State, legal fees for municipalities and  
18 public employee unions, and property tax pressures; and be it  
further

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22 **Sec. 5. Report; legislation. Resolved:** That the task force shall  
present a final report to the Second Regular Session of the 115th  
Legislature, including any recommendations and implementing  
24 legislation. Copies of the report and legislation must be  
provided to the Executive Director of the Legislative Council;  
26 and be it further

28 **Sec. 6. Compensation. Resolved:** That members of the task  
force, including the ex officio member, serve without  
30 compensation or per diem for travel or other expenses; and be it  
further

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34 **Sec. 7. Staff. Resolved:** That the Maine Labor Relations Board  
shall provide staff necessary to carry out the responsibilities  
of the task force, including legislative drafting.

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38 **Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.

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42 **STATEMENT OF FACT**

44 This bill establishes the Task Force on Local Public  
Employee Collective Bargaining to explore innovative methods of  
impasse resolution in local public employee bargaining.  
46 Currently, there is no definitive method of impasse resolution in  
the State, resulting in public employers and employees working  
48 without contracts, increased legal fees for municipalities and  
employees and increased local property taxes. The task force  
50 will issue a report, including any recommendations and

2 implementing legislation, to the Second Regular Session of the  
115th Legislature.