

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 365

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H.P. 263

House of Representatives, January 31, 1995

**An Act to Extend the Jurisdiction of the Maine Labor Relations Board to  
Public Employees Who Have Been Employed Fewer Than 6 Months.**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CHASE of China.

Cosponsored by Representatives: BERRY of Livermore, HATCH of Skowhegan, JONES of Bar Harbor, LEMAIRE of Lewiston, SAMSON of Jay, SHIAH of Bowdoinham, Senator: RAND of Cumberland.

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

4 **Sec. 1. 26 MRSA §962, sub-§6**, as amended by PL 1989, c. 654,  
§§1 and 2 and affected by §13, is further amended to read:

6 **6. Public employee.** "Public employee" means any employee  
of a public employer, except any person:

8 A. Elected by popular vote; ~~or~~

10 B. Appointed to office pursuant to statute, ordinance or  
12 resolution for a specified term of office by the executive  
14 head or body of the public employer, except that appointees  
to county offices ~~shall~~ may not be excluded under this  
16 paragraph unless defined as a county commissioner under  
Title 30-A, section 1302; ~~or~~

18 C. Whose duties as deputy, administrative assistant or  
20 secretary necessarily imply a confidential relationship to  
the executive head, body, department head or division head;  
22 ~~or~~

24 D. Who is a department head or division head appointed to  
office pursuant to statute, ordinance or resolution for an  
26 unspecified term by the executive head or body of the public  
employer; ~~or~~

28 E. Who is a superintendent or assistant superintendent of a  
school system; ~~or~~

30 ~~F.--Who-has-been-employed-less-than-6-months.~~

32 G. Who is a temporary, seasonal or on-call employee; or

34 H. Who is a prisoner employed by a public employer during  
36 the prisoner's term of imprisonment, except for prisoners  
who are in work release or intensive supervision programs.

38 **Sec. 2. 26 MRSA §1022, sub-§11**, as amended by PL 1989, c. 443,  
40 §63, is further amended to read:

42 **11. University, academy or technical college employee.**  
"University, academy or technical college employee" means any  
44 regular employee of the University of Maine System, the Maine  
Maritime Academy or the Maine Technical College System performing  
46 services within a campus or unit, except any person:

48 A. Appointed to office pursuant to law;

2 B. Appointed by the Board of Trustees as a vice-president,  
3 dean, director or member of the chancellor's,  
4 superintendent's or Maine Technical College System executive  
5 director's immediate staff; or

6 C. Whose duties necessarily imply a confidential  
7 relationship with respect to matters subject to collective  
8 bargaining as between such person and the university, the  
9 academy or the Maine Technical College System; ~~or.~~

10 ~~D. -- Employed in the initial 6 months of employment.~~

12  
14  
16 **STATEMENT OF FACT**

18 Under the current labor relations law governing municipal  
19 public employees and University of Maine System and Maine  
20 Technical College System employees, any person who has been  
21 employed for fewer than 6 months is excluded from the protection  
22 of the collective bargaining laws.

24 This bill provides equal protection under the collective  
25 bargaining laws for all municipal, University of Maine System and  
26 Maine Technical College System employees by removing the 6-month  
exclusion.