

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 147

H.P. 123

House of Representatives, January 14, 1997

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

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 GREEN of Monmouth.
Cosponsored by Senator RAND of Cumberland and
Representatives: BAKER of Bangor, COWGER of Hallowell, ETNIER of Harpswell,
HATCH of Skowhegan, LEMAIRE of Lewiston, QUINT of Portland, TRIPP of Topsham,
WATSON of Farmingdale.

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

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

6 **6. Public employee.** "Public employee" means any employee of
7 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
16 to county offices shall may not be excluded under this
17 paragraph unless defined as a county commissioner under
18 Title 30-A, section 1302; ~~or~~

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

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

28 E. Who is a superintendent or assistant superintendent of a
29 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
37 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.**
43 "University, academy or technical college employee" means any
44 regular employee of the University of Maine System, the Maine
45 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;

50 B. Appointed by the Board of Trustees as a vice-president,

2 dean, director or member of the chancellor's,
superintendent's or Maine Technical College System executive
4 director's immediate staff; or

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

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

12
14 **SUMMARY**

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

This bill removes the 6-month exclusion.