

L.D. 2125

DATE: April 7,1998

(Filing No. S = 775)

6 Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE SENATE 118TH LEGISLATURE SECOND SPECIAL SESSION

- SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 16 1503, L.D. 2125, Bill, "An Act to Improve Public Sector Labor Relations"
- Amend the amendment by inserting after the title the 20 following:
- 22 'Amend the bill by inserting before the enacting clause the following:

'Mandate preamble. This measure requires one or more local
units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does
not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21,
two thirds of all of the members elected to each House have determined it necessary to enact this measure.' '

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Further amend the amendment by inserting after section 1 the following:

- 36 'Sec. 2. 26 MRSA §979-A, sub-§6, ¶J, as amended by PL 1997, c. 668, §4, is further amended to read:
- J. Who substantially participates in the formulation and effectuation of policy in a department or agency or has a major role, other than a typically supervisory role, in the administration of a collective bargaining agreement in a department or agency; <u>or</u>
- Sec. 3. 26 MRSA §979-A, sub-§6, ¶K, as amended by PL 1997, c. 668, §5, is further amended to read:
- 48 K. Who is a prisoner employed by a public employer during the prisoner's term of imprisonment, except for prisoners
 50 who are in work release or intensive supervision programs; er.

Page 1-LR3146(7)

SENATE AMENDMENT

SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1503, L.D. 2125

Sec. 4. 26 MRSA §979-A, sub-§6, ¶L, as enacted by PL 1997, c. 668, §6, is repealed.'

Further amend the amendment by inserting after section 4 the following:

'Sec. 5. Retroactivity. Those sections of this Act that amend the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs J and K and repeal Title 26, section 979-A, subsection 6, paragraph L, apply retroactively to April 2, 1998.'

Further amend the amendment by relettering or renumbering 14 any nonconsecutive Part letter or section number to read consecutively.

Further amend the amendment by striking out all of the 18 fiscal note and inserting in its place the following:

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FISCAL NOTE

22 This bill requires municipal public employers to continue to honor certain grievance arbitration provisions of expired 24 collective bargaining agreements pending the approval of a new agreement. The additional costs of this state mandate can not be 26 determined at this time. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the 28 State from the constitutional requirement to fund 90% of the additional local costs.'

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SUMMARY

This amendment adds a mandate preamble and a fiscal note to the bill.

This amendment also removes persons who are employed by a 38 person who has contracted to perform services for the Bureau of Revenue Services from the definition of persons who are not state 40 employees for the purpose of the State Employees Labor Relations Act, effective retroactively to April 2, 1998.

Thakail Michand 44 SPONSORED BY: 46 (Senator MICHAUD)

48 COUNTY: Penobscot

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Page 2-LR3146(7)

