MAINE STATE LEGISLATURE

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2	1 '0008
4	DATE: April 7,1998 (Filing No. S-776)
6	Reproduced and distributed under the direction of the Secretary of the Senate.
8	STATE OF MAINE
10	SENATE SENATE
	118TH LEGISLATURE
12	SECOND SPECIAL SESSION
14	SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P.
16	1503, L.D. 2125, Bill, "An Act to Improve Public Sector Labor Relations"
18	Amend the amendment by inserting after the title the
20	following:
22	'Amend the bill by inserting before the enacting clause the following:
24	
26	'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to
20	necessitate additional expenditures from local revenues but does
28	not provide funding for at least 90% of those expenditures.
	Pursuant to the Constitution of Maine, Article IX, Section 21,
30	two thirds of all of the members elected to each House have determined it necessary to enact this measure.'
32	decermence to necessary to ender this measure.
	Further amend the amendment by inserting after section 1 the
34	following:
36	'Sec. 2. 26 MRSA §979-A, sub-§6, ¶J, as amended by PL 1997, c. 668, §4, is further amended to read:
38	
40	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
42	administration of a collective bargaining agreement in a department or agency; or
44	C . 2 A . M. T. C. A. C. O. T. C. A. C.
46	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;

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SENATE	AMENDMENT	" D "	to	COMMITTEE	AMENDMENT	"A"	to	H.P.	1503,
L.D. 2	125								

2	Sec. 4. 26 MRSA §979-A, sub-§6, ¶L, as enacted by PL 1997, c. 668, §6, is repealed.'
4	
6	Further amend the amendment by inserting after section 4 the following:
8	'Sec. 5. Retroactivity. Those sections of this Act that amend the Maine Revised Statutes, Title 26, section 979-A, subsection
10	6, paragraphs J and K and repeal Title 26, section 979-A, subsection 6, paragraph L, apply retroactively to April 2, 1998.
12	
14	Further amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.
16	-
18	Further amend the amendment by striking out all of the fiscal note and inserting in its place the following:
20	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.'
30	•
32	SUMMARY
34	This amendment adds a mandate preamble and a fiscal note to the bill.
36	This amendment also removes persons who are employed by a
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This amendment also removes persons who are employed by a person who has contracted to perform services for the Bureau of Revenue Services from the definition of persons who are not state employees for the purpose of the State Employees Labor Relations Act, effective retroactively to April 2, 1998.

This repeal is necessary because if the provision is left intact, the status of other nonstate employees employed by a

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SENATE AMENDMENT

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

person contracting with an agency other than the bureau may be called into question. Current contracting procedures already ensure that that category of persons is not within the definition of "state employee" under the State Employee Labor Relations Act.

Son Michael H. Michael

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SPONSORED BY:

(Senator MICHAUD)

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COUNTY: Penobscot

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