

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 987

S.P. 333

In Senate, February 4, 1999

An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies.

Reference to the Committee on Labor suggested and ordered printed.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

2
4 Sec. 1. 26 MRSA §965, sub-§1, as amended by PL 1985, c. 46, is repealed and the following enacted in its place:

6 1. Negotiations. It is the obligation of the public
8 employer and the bargaining agent to engage in collective
10 bargaining. For purposes of this chapter, "collective
12 bargaining" means that the public employer and the bargaining
14 agent have the following mutual obligations.

16 A. They shall meet at reasonable times.

18 B. They shall meet within 10 days after either party gives
20 notice to the other to request a meeting for collective
22 bargaining purposes. If the parties are bound by a prior
24 written contract containing alternative terms for a meeting,
26 then those terms prevail.

28 C. They shall confer and negotiate in good faith with
30 respect to wages, hours, working conditions and contract
32 grievance arbitration. This obligation does not require
34 either party to agree to a proposal or to make concessions.

36 D. They shall execute in writing any agreements. The term
38 of any such agreement is subject to negotiation but may not
40 exceed 3 years.

42 E. They shall participate in good faith in the mediation,
44 fact-finding and arbitration procedures required by this
46 section.

48 F. Public employers of teachers shall meet and consult with
50 respect to educational policies. Neither party is required
52 to negotiate on matters of educational policies. For
54 purposes of this paragraph, "educational policies" does not
56 include wages, hours, working conditions or contract
58 grievance arbitration. A contract provision that affects or
60 concerns educational policies is not for that reason invalid
62 or unenforceable.

64 Whenever wages, rates of pay or any other matter requiring
66 appropriation of money by any municipality or county is included
68 as a matter of collective bargaining conducted pursuant to this
70 chapter, it is the obligation of the bargaining agent to serve
72 written notice of request for collective bargaining on the public
74 employer at least 120 days before the conclusion of the current
76 fiscal operating budget, except that this requirement is waived

2 in the event that a bargaining agent of a newly formed bargaining
4 unit is recognized or certified during the period not more than
6 120 days nor less than 30 days prior to the end of the fiscal
8 period.

SUMMARY

10 This bill requires public employers of teachers and the
12 bargaining agent for teachers to consult about educational
policies, but does not require those parties to negotiate about
educational policies.