

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1246

H.P. 889

House of Representatives, February 16, 1999

An Act to Protect the Rights of Judicial Employees.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in black ink, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FULLER of Manchester.

Cosponsored by Representatives: BOUFFARD of Lewiston, MUSE of South Portland, SAMSON of Jay, SAVAGE of Buxton, SAXL of Portland, Senator: RAND of Cumberland.

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

Sec. 1. 26 MRSA §1282, sub-§5, as enacted by PL 1983, c. 702, is amended to read:

5. Judicial employee. "Judicial employee" means any employee of the Judicial Department, except any person:

- A. Who is appointed by the Governor;
- B. Who serves as the State Court Administrator;
- C. Whose duties necessarily imply a confidential relationship to the Judicial Department's bargaining representative with respect to matters subject to collective bargaining;
- D. Who is a department or division head;
- E. Who is appointed to serve as a law clerk to a judge or a justice;
- F. Who is a temporary, seasonal or on-call employee, including interns; or
- G. Who has been employed for less than 6 months.

Employment status under this chapter is determined by reference to common law principles of agency. An employee meeting this definition, but hired outside of the normal personnel process, is deemed a Judicial Department employee after 6 months, as long as the funding is available.

SUMMARY

This bill clarifies the rights of judicial employees under the judicial employees labor relations act chapter, the Maine Revised Statutes, Title 26, chapter 41.