

# MAINE STATE LEGISLATURE

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L.D. 1358

DATE: 5-4-99

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**LABOR**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 960, L.D. 1358, Bill, "An Act to Promote Stability in Labor Management Relations in the Public Sector"

Amend the bill by striking out everything after the title and before the summary and inserting in its place 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.

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

**Sec. 1. 26 MRSA §964-A,** as enacted by PL 1997, c. 773, §1 and affected by §7, is amended to read:

**§964-A. Continuation of grievance arbitration provisions**

If a contract between a public employer and a bargaining agent expires prior to the parties' agreement on a new contract, the grievance arbitration provisions of the expired contract ~~pertaining to disciplinary action~~ remain in effect until the parties execute a new contract. In hearing a post-expiration grievance, the arbitrator shall interpret the contract provision at issue consistent with the board's post-expiration status quo standard.

**COMMITTEE AMENDMENT**

2           Sec. 2. 26 MRSA §979-R, as enacted by PL 1997, c. 773, §5 and  
3 affected by §7, is amended to read:

4           **§979-R. Continuation of grievance arbitration provisions**

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6           If a contract between a public employer and a bargaining  
7 agent expires prior to the parties' agreement on a new contract,  
8 the grievance arbitration provisions of the expired contract  
9 ~~pertaining to disciplinary action~~ remain in effect until the  
10 parties execute a new contract. In hearing a post-expiration  
11 grievance, the arbitrator shall interpret the contract provision  
12 at issue consistent with the board's post-expiration status quo  
13 standard.

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15           Sec. 3. 26 MRSA §1036 is enacted to read:

16           **§1036. Continuation of grievance arbitration provisions**

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18           If a contract between a public employer and a bargaining  
19 agent expires prior to the parties' agreement on a new contract,  
20 the grievance arbitration provisions of the expired contract  
21 remain in effect until the parties execute a new contract. In  
22 hearing a post-expiration grievance, the arbitrator shall  
23 interpret the contract provision at issue consistent with the  
24 board's post-expiration status quo standard.

25           Sec. 4. 26 MRSA §1284-A, as enacted by PL 1997, c. 773, §6  
26 and affected by §7, is amended to read:

27           **§1284-A. Continuation of grievance arbitration provisions**

28           If a contract between a public employer and a bargaining  
29 agent expires prior to the parties' agreement on a new contract,  
30 the grievance arbitration provisions of the expired contract  
31 ~~pertaining to disciplinary action~~ remain in effect until the  
32 parties execute a new contract. In hearing a post-expiration  
33 grievance, the arbitrator shall interpret the contract provision  
34 at issue consistent with the board's post-expiration status quo  
35 standard.

36           **Sec. 5. Application.** This Act applies to collective  
37 bargaining agreements that expire on or after the effective date  
38 of this Act.'

39           Further amend the bill by inserting at the end before the  
40 summary the following:

**FISCAL NOTE**

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This bill requires that the grievance procedures of municipal collective bargaining agreements remain in effect after the expiration of the agreements. The additional costs of this state mandate can not be determined but are not expected to be significant. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.

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Although generally the State and the University of Maine System have voluntarily complied with the provisions of this bill, its effect on the State's and the system's future collective bargaining costs can not be determined.'

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**SUMMARY**

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This amendment replaces the bill. It provides that the grievance arbitration provisions of a collective bargaining agreement continue after expiration of the agreement. In interpreting the contract after expiration, the arbitrator must make decisions consistent with the Maine Labor Relations Board standard for maintaining the status quo after expiration of a contract. The amendment also adds a mandate preamble and a fiscal note.