

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1358

H.P. 960

House of Representatives, February 18, 1999

**An Act to Promote Stability in Labor Management Relations in the
Public Sector.**

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and
Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, FRECHETTE of
Biddeford, GOODWIN of Pembroke, MATTHEWS of Winslow, SAMSON of Jay, TRACY
of Rome.

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

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4 **Sec. 1. 26 MRSA §964, sub-§1, ¶F**, as enacted by PL 1969, c. 424, §1, is amended to read;

6 F. Blacklisting of any employee organization or its members
8 for the purpose of denying them employment, ; or

10 **Sec. 2. 26 MRSA §964, sub-§1, ¶G** is enacted to read:

12 G. Refusing to honor the terms and conditions of an expired
14 collective bargaining agreement that remains in effect
16 pursuant to section 964-A.

18 **Sec. 3. 26 MRSA §964, sub-§2, ¶C**, as enacted by PL 1969, c. 424, §1, is amended to read:

20 C. Engaging in:

22 (1) A work stoppage;

24 (2) A slowdown;

26 (3) A strike; or

28 (4) The blacklisting of any public employer for the
30 purpose of preventing it from filling employee
32 vacancies, ; or

34 **Sec. 4. 26 MRSA §964, sub-§2, ¶D** is enacted to read:

36 D. Refusing to honor the terms and conditions of an expired
38 collective bargaining agreement that remains in effect
40 pursuant to section 964-A.

42 **Sec. 5. 26 MRSA §964-A**, as enacted by PL 1997, c. 773, §1 and
44 affected by §7, is amended to read:

46 **§964-A. Continuation of terms and conditions**

48 If a contract between a public employer and a bargaining
50 agent expires prior to the parties' agreement on a new contract,
the ~~grievance-arbitration-provisions~~ terms and conditions of the
expired contract ~~pertaining--to--disciplinary--action~~ remain in
effect until the parties execute a new contract.

52 **Sec. 6. 26 MRSA §979-C, sub-§1, ¶F**, as enacted by PL 1973, c. 774, is amended to read:

54 F. Blacklisting of any employee organization or its members
56 for the purpose of denying them employment, ; or

2 **Sec. 7. 26 MRSA §979-C, sub-§1, ¶G** is enacted to read:

4 G. Refusing to honor the terms and conditions of an expired
6 collective bargaining agreement that remains in effect
 pursuant to section 979-R.

8 **Sec. 8. 26 MRSA §979-C, sub-§2, ¶C**, as enacted by PL 1973, c.
10 774, is amended to read:

12 C. Engaging in:

14 (1) A work stoppage;

16 (2) A slowdown;

18 (3) A strike; or

20 (4) The blacklisting of the public employer for the
 purpose of preventing it from filling employee
 vacancies; or

22 **Sec. 9. 26 MRSA §979-C, sub-§2, ¶D** is enacted to read:

24 D. Refusing to honor the terms and conditions of an expired
26 collective bargaining agreement that remains in effect
 pursuant to section 979-R.

28 **Sec. 10. 26 MRSA §979-R**, as enacted by PL 1997, c. 773, §5
30 and affected by §7, is amended to read:

32 **§979-R. Continuation of terms and conditions**

34 If a contract between a public employer and a bargaining
36 agent expires prior to the parties' agreement on a new contract,
 ~~the grievance arbitration provisions~~ terms and conditions of the
38 expired contract ~~pertaining to disciplinary action~~ remain in
 effect until the parties execute a new contract.

40 **Sec. 11. 26 MRSA §1027, sub-§1, ¶E**, as repealed and replaced
42 by PL 1985, c. 737, Pt. A, §67, is amended to read:

44 E. Refusing to bargain collectively with the bargaining
 agent of its employees as required by section 1026; ~~or~~

46 **Sec. 12. 26 MRSA §1027, sub-§1, ¶F**, as enacted by PL 1975, c.
48 603, §1, is amended to read:

50 F. Blacklisting of any employee organization or its members
 for the purpose of denying them employment; or

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Sec. 13. 26 MRSA §1027, sub-§1, ¶G is enacted to read:

G. Refusing to honor the terms and conditions of an expired collective bargaining agreement that remains in effect pursuant to section 1036.

Sec. 14. 26 MRSA §1027, sub-§2, ¶¶B and C, as amended by PL 1989, c. 443, §72, are further amended to read:

B. Refusing to bargain collectively with the university, academy and technical colleges as required by section 1026; and

C. Engaging in:

- (1) A work stoppage, slowdown or strike; and
- (2) The blacklisting of the university, academy or technical colleges for the purpose of preventing them from filling employee vacancies; or

Sec. 15. 26 MRSA §1027, sub-§2, ¶D is enacted to read:

D. Refusing to honor the terms and conditions of an expired collective bargaining agreement that remains in effect until the parties execute a new contract.

Sec. 16. 26 MRSA §1036 is enacted to read:

§1036. Continuation of terms and conditions

If a contract between a public employer and a bargaining agent expires prior to the parties' agreement on a new contract, the terms and conditions of the expired contract remain in effect until the parties execute a new contract.

Sec. 17. 26 MRSA §1284, sub-§1, ¶¶E and F, as enacted by PL 1983, c. 702, are amended to read:

E. Refusing to bargain collectively with the bargaining agent of its employees, as required by section 1285; ~~or~~

F. Blacklisting any employee organization or its members for the purpose of denying them employment; or

Sec. 18. 26 MRSA §1284, sub-§1, ¶G is enacted to read:

G. Refusing to honor the terms and conditions of an expired collective bargaining agreement that remains in effect pursuant to section 1284-A.

