

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 68

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H.P. 76

House of Representatives, January 16, 2003

**An Act to Extend the Jurisdiction of the Maine Labor Relations  
Board to Employees of Public Higher Education Institutions Who  
Have Been Employed Less than Six Months**

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Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Speaker COLWELL of Gardiner.  
Cosponsored by Senator EDMONDS of Cumberland and  
Representatives: DUNLAP of Old Town, HUTTON of Bowdoinham, NORTON of Bangor,  
THOMAS of Orono, WATSON of Bath, Senators: CATHCART of Penobscot, MAYO of  
Sagadahoc, STANLEY of Penobscot.

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

2           **Sec. 1. 26 MRSA §1022, sub-§11**, as amended by PL 1989, c. 443,  
4 §63, is further amended to read:

6           **11. University, academy or technical college employee.**  
"University, academy or technical college employee" means any  
8 regular employee of the University of Maine System, the Maine  
Maritime Academy or the Maine Technical College System performing  
10 services within a campus or unit, except any person:

12           A. Appointed to office pursuant to law;

14           B. Appointed by the Board of Trustees as a vice-president,  
16 dean, director or member of the chancellor's,  
superintendent's or Maine Technical College System executive  
18 director's immediate staff; or

20           C. Whose duties necessarily imply a confidential  
relationship with respect to matters subject to collective  
22 bargaining as between such person and the university, the  
academy or the Maine Technical College System; ~~or.~~

24           ~~D.--Employed-in-the-initial-6-months-of-employment.~~

26           **Sec. 2. 26 MRSA §1026, sub-§1-A**, as repealed and replaced by  
28 PL 2001, c. 559, Pt. JJ, §1, is amended to read:

30           **1-A. Additional bargaining; technical college employees.**  
Cost items in any collective bargaining agreement of technical  
32 college employees must be submitted for inclusion in the  
Governor's next operating budget within 10 days after the date on  
34 which the agreement is ratified by the parties. If the  
Legislature rejects any of the cost items submitted to it, all  
36 cost items submitted must be returned to the parties for further  
bargaining. "Cost items" includes salaries, pensions and  
insurance.

38           Cost items related to a collective bargaining agreement reached  
40 under this chapter and submitted to the Legislature for its  
approval under this subsection may not be submitted in the same  
42 legislation that contains cost items for employees exempted from  
the definition of "technical college employee" under section  
44 1022, subsection 11, ~~except that cost items for those employees~~  
~~exempted under section 1022, subsection 11, paragraph D need not~~  
46 ~~be excluded.~~

48           **Sec. 3. Application.** This Act applies to all collective  
bargaining contracts executed or renewed on or after September 1,  
50 2003 by parties subject to the Maine Revised Statutes, Title 26,  
chapter 12.

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## SUMMARY

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6 Under the current labor relations law governing higher  
education employees, any person who has been employed for less  
than 6 months is excluded from the protection of the collective  
8 bargaining laws. This bill removes the 6-month exclusion.