

# MAINE STATE LEGISLATURE

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H. 913

L.D. 1123

DATE: 5/24/15

(Filing No. H-492)

LABOR

Majority

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 776, L.D. 1123, Bill, "An Act To Promote Stability in Labor Relations"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 26 MRSA §964-A, as enacted by PL 1997, c. 773, §1 and affected by §7, is repealed and the following enacted in its place:

§964-A. Continuation of grievance arbitration provisions

1. Contract signed before October 1, 2005. If a contract between a public employer and a bargaining agent signed prior to October 1, 2005 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.

2. Contract signed after October 1, 2005. If a contract between a public employer and a bargaining agent signed after October 1, 2005 expires prior to the parties' agreement on a new contract, the grievance arbitration provisions of the expired contract remain in effect until the parties execute a new contract. In any arbitration that is conducted pursuant to this subsection, an arbitrator shall apply only those provisions enforceable by virtue of the static status quo doctrine and may

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R.O.S.

2 not add to, restrict or modify the applicable static status quo  
4 following the expiration of the contract unless the parties have  
6 otherwise agreed in the collective bargaining agreement. All  
8 such grievances that are appealed to arbitration are subject  
10 exclusively to the grievance and arbitration process contained in  
12 the expired agreement, and the board does not have jurisdiction  
14 over such grievances. The arbitrator's determination is subject  
16 to appeal, pursuant to the Uniform Arbitration Act. Disputes  
18 over which provisions in an expired contract are enforceable by  
20 virtue of the static status quo doctrine first must be resolved  
by the board, subject to appeal pursuant to applicable law. The  
grievance arbitration is stayed pending resolution of this issue  
by the board. The board may adopt rules as necessary to  
establish a procedure to implement the intent of this section.  
Rules adopted pursuant to this subsection are routine technical  
rules as defined in Title 5, chapter 375, subchapter 2-A.  
Nothing in this subsection expands, limits or modifies the scope  
of any grievance arbitration provisions, including procedural  
requirements.

22 **Sec. 2. 26 MRSA §979-R**, as enacted by PL 1997, c. 773, §5 and  
24 affected by §7, is repealed and the following enacted in its  
26 place:

28 **§979-R. Continuation of grievance arbitration provisions**

30 **1. Contract signed before October 1, 2005.** If a contract  
32 between a public employer and a bargaining agent signed prior to  
October 1, 2005 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.

34 **2. Contract signed after October 1, 2005.** If a contract  
36 between a public employer and a bargaining agent signed after  
October 1, 2005 expires prior to the parties' agreement on a new  
contract, the grievance arbitration provisions of the expired  
contract remain in effect until the parties execute a new  
contract. In any arbitration that is conducted pursuant to this  
subsection, an arbitrator shall apply only those provisions  
enforceable by virtue of the static status quo doctrine and may  
not add to, restrict or modify the applicable static status quo  
following the expiration of the contract unless the parties have  
otherwise agreed in the collective bargaining agreement. All such  
grievances that are appealed to arbitration are subject  
exclusively to the grievance and arbitration process contained in  
the expired agreement, and the board does not have jurisdiction  
over such grievances. The arbitrator's determination is subject

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2 to appeal, pursuant to the Uniform Arbitration Act. Disputes  
4 over which provisions in an expired contract are enforceable by  
6 virtue of the static status quo doctrine first must be resolved  
8 by the board, subject to appeal pursuant to applicable law. The  
10 grievance arbitration is stayed pending resolution of this issue  
12 by the board. The board may adopt rules as necessary to  
14 establish a procedure to implement the intent of this section.  
16 Rules adopted pursuant to this subsection are routine technical  
18 rules as defined in Title 5, chapter 375, subchapter 2-A.  
20 Nothing in this subsection expands, limits or modifies the scope  
22 of any grievance arbitration provisions, including procedural  
24 requirements.

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

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

18 If a contract between a public employer and a bargaining  
20 agent signed after October 1, 2005 expires prior to the parties'  
22 agreement on a new contract, the grievance arbitration provisions  
24 of the expired contract remain in effect until the parties  
26 execute a new contract. In any arbitration that is conducted  
28 pursuant to this section, an arbitrator shall apply only those  
30 provisions enforceable by virtue of the static status quo  
32 doctrine and may not add to, restrict or modify the applicable  
34 static status quo following the expiration of the contract,  
36 unless the parties have otherwise agreed in the collective  
38 bargaining agreement. All such grievances that are appealed to  
40 arbitration are subject exclusively to the grievance and  
42 arbitration process contained in the expired agreement and the  
44 board does not have jurisdiction over such grievances. The  
arbitrator's determination is subject to appeal pursuant to the  
Uniform Arbitration Act. Disputes over which provisions in an  
expired contract are enforceable by virtue of the static status  
quo doctrine first must be resolved by the board, subject to  
appeal pursuant to applicable law. The grievance arbitration is  
stayed pending resolution of this issue by the board. The board  
may adopt rules as necessary to establish a procedure to  
implement the intent of this section. Rules adopted pursuant to  
this section are routine technical rules as defined in Title 5,  
chapter 375, subchapter 2-A. Nothing in this section expands,  
limits or modifies the scope of any grievance arbitration  
provisions, including procedural requirements.

46 Sec. 4. 26 MRSA §1284-A, as enacted by PL 1997, c. 773, §6  
48 and affected by §7, is repealed and the following enacted in its  
place:

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§1284-A. Continuation of grievance arbitration provisions

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1. Contract signed before October 1, 2005. If a contract between a public employer and a bargaining agent signed prior to October 1, 2005 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.

2. Contract signed after October 1, 2005. If a contract between a public employer and a bargaining agent signed after October 1, 2005 expires prior to the parties' agreement on a new contract, the grievance arbitration provisions of the expired contract remain in effect until the parties execute a new contract. In any arbitration that is conducted pursuant to this subsection, an arbitrator shall apply only those provisions enforceable by virtue of the static status quo doctrine and may not add to, restrict or modify the applicable static status quo following the expiration of the contract, unless the parties have otherwise agreed in the collective bargaining agreement. All such grievances that are appealed to arbitration are subject exclusively to the grievance and arbitration process contained in the expired agreement, and the board does not have jurisdiction over such grievances. The arbitrator's determination is subject to appeal pursuant to the Uniform Arbitration Act. Disputes over which provisions in an expired contract are enforceable by virtue of the static status quo doctrine first must be resolved by the board, subject to appeal pursuant to applicable law. The grievance arbitration is stayed pending resolution of this issue by the board. The board may adopt rules as necessary to establish a procedure to implement the intent of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Nothing in this subsection expands, limits or modifies the scope of any grievance arbitration provisions, including procedural requirements.'

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**SUMMARY**

This amendment replaces the bill. The amendment provides that, for an expired collective bargaining agreement signed after October 1, 2005, the grievance arbitration provisions of the collective bargaining agreement that concern what is commonly known as the "static status quo" remain in effect until a new contract is executed. The amendment gives the Maine Labor Relations Board authority over disputes concerning the application of the static status quo doctrine, as well as rulemaking authority to implement the amendment's purposes. The

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2 amendment further provides that a grievance appealed to  
4 arbitration is subject exclusively to arbitration, and that  
6 grievance arbitration will be stayed pending resolution of a  
8 dispute over application of the static status quo doctrine by the  
Maine Labor Relations Board.

**FISCAL NOTE REQUIRED**  
(See attached)

**COMMITTEE AMENDMENT**



# 122nd MAINE LEGISLATURE

LD 1123

LR 1940(02)

## An Act To Promote Stability in Labor Relations

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Labor

Fiscal Note Required: Yes

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### Fiscal Note

No net impact

#### Fiscal Detail and Notes

Requiring that the grievance arbitration provisions of an expired collective bargaining agreement signed after October 1, 2005 that concern the "static status quo" remain in effect until a new contract is executed may result in additional arbitration costs to public employers, the University of Maine System, the Maine Community College System and Main Maritime Academy. Because this legislation is effective on a prospective basis only, any additional arbitration costs can be factored into new contract negotiations. Therefore, this requirement is not a mandate.