

# 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)



# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

---

Legislative Document

No. 1123

H.P. 776

House of Representatives, March 1, 2005

### An Act To Promote Stability in Labor Relations

---

Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*  
MILlicent M. MacFARLAND  
Clerk

Presented by Representative DUPLESSIE of Westbrook.  
Cosponsored by Senator STRIMLING of Cumberland and  
Representatives: HUTTON of Bowdoinham, JACKSON of Fort Kent, NORTON of Bangor,  
PINEAU of Jay, Senator: GAGNON of Kennebec.

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

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

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

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

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

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

C. Engaging in:

(1) A work stoppage;

(2) A slowdown;

(3) A strike; or

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

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

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

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

**§964-A. 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 grievance-arbitration-provisions terms and conditions of the expired contract pertaining-to-disciplinary-action remain in effect until the parties execute a new contract.

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

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

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

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

10 **Sec. 8. 26 MRSA §979-C, sub-§2, ¶C**, as enacted by PL 1973, c.  
12 774, is amended to read:

14 C. Engaging in:

16 (1) A work stoppage;

18 (2) A slowdown;

20 (3) A strike; or

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

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

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

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

34 **§979-R. Continuation of terms and conditions**

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

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

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

48 **Sec. 12. 26 MRSA §1027, sub-§1, ¶F**, as enacted by PL 1975, c.  
50 603, §1, is amended to read:

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

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

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

10 **Sec. 14. 26 MRSA §1027, sub-§2, ¶¶B and C**, as amended by PL  
11 1989, c. 443, §72 and PL 2003, c. 20, Pt. 00, §2 and affected by  
12 §4, are further amended to read:

14 B. Refusing to bargain collectively with the university,  
15 academy and community colleges as required by section 1026;  
16 and

18 C. Engaging in:

20 (1) A work stoppage, slowdown or strike; and or

22 (2) The blacklisting of the university, academy or  
23 community colleges for the purpose of preventing them  
24 from filling employee vacancies; and

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

28 D. Refusing to honor the terms and conditions of an expired  
29 collective bargaining agreement that remain in effect until  
30 the parties execute a new contract pursuant to section 1036.

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

34 **§1036. Continuation of terms and conditions**

36 If a contract between the university, the academy or the  
37 community colleges and a bargaining agent expires prior to the  
38 parties' agreement on a new contract, the terms and conditions of  
39 the expired contract remain in effect until the parties execute a  
40 new contract.

42 **Sec. 17. 26 MRSA §1284, sub-§1, ¶¶E and F**, as enacted by PL  
43 1983, c. 702, are amended to read:

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

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

**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 remain in effect pursuant to section 1284-A.

**Sec. 19. 26 MRSA §1284, sub-§2, ¶C,** as enacted by PL 1983, c. 702, is amended to read:

C. Engaging in:

- (1) A work stoppage;
- (2) A slowdown;
- (3) A strike; or
- (4) The blacklisting of the public employer for the purpose of preventing it from filling employee vacancies; and

**Sec. 20. 26 MRSA §1284, sub-§2, ¶D is enacted to read:**

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

**Sec. 21. 26 MRSA §1284-A.** as enacted by PL 1997, c. 773, §6 and affected by §7, is amended to read:

**§1284-A. 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 ~~grievance-arbitration-provisions~~ terms and conditions of the expired contract ~~pertaining--to--disciplinary--action~~ remain in effect until the parties execute a new contract.

## SUMMARY

This bill provides that the terms and conditions of an expired collective bargaining agreement remain in effect until a new contract is executed.