

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1237

H.P. 898

House of Representatives, March 14, 2019

**An Act To Simplify Municipal Collective Bargaining by Removing
the 120-Day Notice Required Prior to Certain Negotiations**

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HANDY of Lewiston.
Cosponsored by Representative: SYLVESTER of Portland.

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

2 **Sec. 1. 26 MRSA §965, sub-§1**, as amended by PL 2009, c. 107, §5, is further
3 amended to read:

4 **1. Negotiations.** It is the obligation of the public employer and the bargaining agent
5 to bargain collectively. "Collective bargaining" means, for the purposes of this chapter,
6 their mutual obligation:

7 A. To meet at reasonable times;

8 B. To meet within 10 days after receipt of written notice from the other party
9 requesting a meeting for collective bargaining purposes, as long as the parties have
10 not otherwise agreed in a prior written contract. This obligation is suspended during
11 the period between a referendum approving a new regional school unit and the
12 operational date of the regional school unit, as long as the parties meet at reasonable
13 times during that period;

14 C. To confer and negotiate in good faith with respect to wages, hours, working
15 conditions and contract grievance arbitration, except that by such obligation neither
16 party may be compelled to agree to a proposal or be required to make a concession
17 and except that public employers of teachers shall meet and consult but not negotiate
18 with respect to educational policies; for the purpose of this paragraph, educational
19 policies may not include wages, hours, working conditions or contract grievance
20 arbitration;

21 D. To execute in writing any agreements arrived at, the term of any such agreement
22 to be subject to negotiation but may not exceed 3 years; and

23 E. To participate in good faith in the mediation, fact-finding and arbitration
24 procedures required by this section.

25 ~~Whenever wages, rates of pay or any other matter requiring appropriation of money by~~
26 ~~any municipality or county are included as a matter of collective bargaining conducted~~
27 ~~pursuant to this chapter, it is the obligation of the bargaining agent to serve written notice~~
28 ~~of request for collective bargaining on the public employer at least 120 days before the~~
29 ~~conclusion of the current fiscal operating budget, except that this requirement is waived~~
30 ~~in the event that a bargaining agent of a newly formed bargaining unit is recognized or~~
31 ~~certified during the period not more than 120 days nor less than 30 days prior to the end~~
32 ~~of the fiscal period. The 120-day notice requirement is also waived with respect to~~
33 ~~regional school units formed pursuant to Title 20-A, chapter 103-A, subchapter 2 prior to~~
34 ~~their first year of operation.~~

35 **SUMMARY**

36 This bill repeals the requirement that a bargaining agent for municipal public
37 employees submit a written request for collective bargaining to the public employer of
38 those municipal public employees at least 120 days before the conclusion of the current
39 fiscal operating budget.