

MAINE STATE LEGISLATURE

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Date: 6-10-2021

(Filing No. H-540)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to H.P. 325, L.D. 449, "An Act To Strengthen the Ability of Public Employers and Unions To Negotiate"

Amend the bill by striking out the title and substituting the following:

'An Act To Strengthen the Ability of Public Employers and Teachers' Unions To Negotiate'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 26 MRSA §965, sub-§1, ¶B, as amended by PL 2009, c. 107, §5, is further amended to read:

B. ~~To~~ Except as provided in paragraph B-1, to meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, as long as the parties have not otherwise agreed in a prior written contract. This obligation is suspended during the period between a referendum approving a new regional school unit and the operational date of the regional school unit, as long as the parties meet at reasonable times during that period;

Sec. 2. 26 MRSA §965, sub-§1, ¶B-1 is enacted to read:

B-1. For a public employer that is a school district and the bargaining agent representing teachers within that school district, to meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes. This obligation is suspended during the period between a referendum approving a new regional school unit and the operational date of the regional school unit, as long as the parties meet at reasonable times during that period;

Sec. 3. Reimbursement for certain collective bargaining costs. The Department of Education shall develop a process to provide reimbursement to those school administrative units that, but for the requirement in the Maine Revised Statutes, Title 26, section 965, subsection 1, paragraph B-1 that a school administrative unit and bargaining unit representing teachers collectively bargain within 10 days of receipt of written notice even if otherwise agreed to in a prior written contract, would not otherwise engage in collective bargaining. Reimbursement must be provided to those school administrative

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units at 90% of the legal and other expenses incurred by those school administrative units to meet and engage in collective bargaining.

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Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

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EDUCATION, DEPARTMENT OF

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State Mandate Reimbursement - Collective Bargaining N399

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Initiative: Provides ongoing funds to reimburse certain local school administrative units for 90% of the legal and other costs to meet and negotiate within 10 days after a written notice from the other party is made due to the exception to the mutual obligation to meet requirement in a collective bargaining agreement being repealed.

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GENERAL FUND

2021-22

2022-23

12

All Other

\$52,200

\$52,200

13

14

GENERAL FUND TOTAL

\$52,200

\$52,200

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Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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SUMMARY

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This amendment limits the scope of the bill to apply to public employers that are school districts and the bargaining agents for teachers within those school districts. This amendment also provides funding to avoid a potential unfunded state mandate and requires the Department of Education to develop a process to reimburse school districts affected by the requirement to bargain for 90% of those school districts' legal and other costs incurred as a result of the requirement to bargain.

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SPONSORED BY: 

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(Representative MCCREA, D.)

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TOWN: Fort Fairfield



130th MAINE LEGISLATURE

LD 449

LR 1003(04)

An Act To Strengthen the Ability of Public Employers and Unions To Negotiate

Fiscal Note for House Amendment "A" to Original Bill
 Sponsor: Rep. McCrea of Fort Fairfield
 Fiscal Note Required: Yes

(H-540)

Fiscal Note

State Mandate - Funded
 Limits impact to school administrative units only

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$52,200	\$52,200	\$52,200	\$52,200
Appropriations/Allocations				
General Fund	\$52,200	\$52,200	\$52,200	\$52,200

State Mandates

Required Activity

Requires local school administrative units (SAUs) that would have included the exception to the mutual obligation to meet requirement in a collective bargaining agreement to meet within 10 days after a written notice from the other party is made. This requirement may result in increased costs to those SAUs for legal and other services.

Unit Affected	Local Cost
School	\$58,000

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

This amendment limits the impact of the repeal of the exception to the mutual obligation to meet requirement in a collective bargaining agreement to local school administrative units only.

This amendment provides ongoing General Fund appropriations of \$52,200 per year beginning in fiscal year 2021-22 to a newly created State Mandate Reimbursement - Collective Bargaining program within the Department of Education to reimburse certain SAU's that would have included the exception to the mutual obligation to meet requirement in a collective bargaining agreement for 90% of legal and other expenses incurred to meet and negotiate within 10 days after a written notice from the other party is made due to the exception being repealed. Any unspent balances at the end of a fiscal year will lapse to the unappropriated surplus of the General Fund.