

MAINE STATE LEGISLATURE

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Date: 6/7/23 Majority L D 1588
(Filing No H-377)

LABOR AND HOUSING

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H P 1033, L D 1588, "An Act to Provide Public Sector Labor Unions Reasonable Access to Information Regarding Employees"

Amend the bill in section 1 in paragraph A by striking out all of the blocked paragraph (page 1, lines 19 to 23 in L D) and inserting the following

'For information regarding newly hired public employees, the employer shall provide the information required under this paragraph not later than 30 calendar days after the date a prospective public employee accepts an offer of employment or not later than 30 calendar days after the date of hire for all public employees At the request of the bargaining agent, but not more than quarterly, the public employer shall provide the required information for all other public employees in the bargaining unit within 30 calendar days'

Amend the bill by inserting after section 1 the following

'Sec. 2. 26 MRSA §975, sub-§2, as enacted by PL 2019, c 389, §1, is amended by enacting at the end a new first blocked paragraph to read

This subsection is subject to the dispute resolution process specified in an applicable collective bargaining agreement for a public employee'

Amend the bill in section 2 in paragraph A by striking out all of the blocked paragraph (page 2, lines 3 to 8 in L D) and inserting the following

'For information regarding newly hired state employees and legislative employees, the employer shall provide the information required under this paragraph not later than 30 calendar days after the date a prospective state employee or legislative employee accepts an offer of employment or not later than 30 calendar days after the date of hire for all state employees and legislative employees At the request of the bargaining agent, but not more than quarterly, the public employer shall provide the required information for all other state employees and legislative employees in the bargaining unit within 30 calendar days.'

Amend the bill by inserting after section 2 the following

COMMITTEE AMENDMENT

1 'Sec. 3. 26 MRSA §979-T, sub-§2, as enacted by PL 2019, c 389, §2, is amended
2 by enacting at the end a new first blocked paragraph to read

3 This subsection is subject to the dispute resolution process specified in an applicable
4 collective bargaining agreement for a public employee.'

5 Amend the bill in section 3 in paragraph A by striking out all of the blocked paragraph
6 (page 2, lines 26 to 32 in L D) and inserting the following

7 'For information regarding newly hired university, academy or community college
8 employees, the employer shall provide the information required under this paragraph
9 not later than 30 calendar days after the date a prospective university, academy or
10 community college employee accepts an offer of employment or not later than 30
11 calendar days after the date of hire for all university, academy or community college
12 employees At the request of the bargaining agent, but not more than quarterly, the
13 public employer shall provide the required information for all other university,
14 academy or community college employees in the bargaining unit within 30 calendar
15 days.'

16 Amend the bill by inserting after section 3 the following:

17 'Sec. 4. 26 MRSA §1037, sub-§2, as enacted by PL 2019, c 389, §3, is amended
18 by enacting at the end a new first blocked paragraph to read

19 This subsection is subject to the dispute resolution process specified in an applicable
20 collective bargaining agreement for a public employee.'

21 Amend the bill in section 4 in paragraph A by striking out all of the blocked paragraph
22 (page 3, lines 9 to 13 in L.D.) and inserting the following

23 'For information regarding newly hired judicial employees, the public employer shall
24 provide the information required under this paragraph not later than 30 calendar days
25 after the date a prospective judicial employee accepts an offer of employment or not
26 later than 30 calendar days after the date of hire for all judicial employees At the
27 request of the bargaining agent, but not more than quarterly, the public employer shall
28 provide the required information for all other judicial employees in the bargaining unit
29 within 30 calendar days.'

30 Amend the bill by inserting after section 4 the following

31 'Sec. 5. 26 MRSA §1295, sub-§2, as enacted by PL 389, §7, is amended by enacting
32 at the end a new first blocked paragraph to read

33 This subsection is subject to the dispute resolution process specified in an applicable
34 collective bargaining agreement for a public employee.'

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

37 SUMMARY

38 This amendment retains language in current law that a public employer provide to a
39 bargaining agent of public sector unions personal contact information of newly hired
40 employees not later than 30 calendar days after the date of hire The amendment specifies

1 that a bargaining agent of a public sector union may request personal contact information
2 for all other employees not more often than quarterly

3 The fiscal note identifies a potential unfunded state mandate in the required supplying
4 of personal contact information by a public employer to a bargaining agent, which is subject
5 to a dispute resolution process of an applicable collective bargaining agreement for a public
6 employee

7 The committee reviewed the fiscal note and determined that because a new dispute
8 resolution process is not being created and that because the dispute resolution process is
9 only triggered if there is not compliance by the public employer, the requirement in the
10 amendment that this is subject to the dispute resolution process and may therefore result in
11 increased cost to the public employees for legal and other services does not require an
12 expansion or modification of activities so as to necessitate additional expenditures

13 **FISCAL NOTE REQUIRED**

14 **(See attached)**



131st MAINE LEGISLATURE

LD 1588

LR 781(02)

An Act to Provide Public Sector Labor Unions Reasonable Access to Information Regarding Employees

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-377)

Committee: Labor and Housing

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity

Unit Affected

Local Cost

Specifies that the provision of personal contact information by a public employer to a bargaining agent is subject to any dispute resolution process of a collective bargaining agreement for any public employee This requirement may result in increased costs to public employers for legal and other services

Municipality
School

Moderate
statewide

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

Additional costs to the higher educational institutions and the executive, judicial and legislative branches of government associated with the requirements of this legislation can be absorbed within existing budgeted resources