

# 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)

STATE OF MAINE  
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR

MAY 1992

**Staff:**  
*Lisa C. Copenhaver, Legal Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207)287-1670*

**MEMBERS:**

*\*Sen. Donald E. Esty, Jr.  
Sen. Gerard P. Conley, Jr.  
Sen. David L. Carpenter*

*\*Rep. Edward A. McHenry  
Rep. Richard P. Ruhlin  
Rep. Anne M. Rand  
Rep. Elden McKeen  
Rep. Edward L. Pineau  
Rep. Rosalie H. Aikman  
Rep. Peter Hastings  
Rep. Richard A. Bennett  
Rep. Sumner H. Lipman  
Rep. Vivian St. Onge*

*\*Denotes Chair*

IARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
ULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
DON CLARK  
YAN M. DYTTER  
BRO FLATEBO  
EBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
KANE ORBETON



KAREN L. HRUBY  
JILL IPPOLITI  
JOHN B. KNOX  
PATRICK NORTON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
HAVEN WHITESIDE  
MILA M. DWELLEY, RES. ASST.  
ROY W. LENARDSON, RES. ASST.  
BRET A. PRESTON, RES. ASST.

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1992**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the far right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	Chapter # of enacted Public Law
P&S XXX	Chapter # of enacted Private & Special Law
RESOLVE XXX	Chapter # of enacted Resolve
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
EMERGENCY	Enacted law takes effect sooner than 90 days
CARRIED OVER	Bill carried over to Special Session
ONTP	Ought Not to Pass report accepted
LVWD	Leave to Withdraw report accepted
INDEF PP	Bill Indefinitely Postponed
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
DIED BETWEEN BODIES	House and Senate disagree; bill died
CONF CMTE UNABLE TO AGREE	Committee of Conference formed but unable to agree
VETO SUSTAINED	Legislature filed to override Governor's Veto
UNSIGNED	Not signed by Governor within 10 days
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

**LD 1248 An Act to Amend the Municipal Public Employees Labor Relations Laws**

ONTP-MIN REP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>
ESTY	OTP-AM	MAJ	
CLARK N	ONTP	MIN	
CAHILL M			
OLIVER			

**SUMMARY**

Current law excludes educational policies as matters that can be negotiated under the municipal public employees labor relations laws. This bill repealed the educational policy exclusion so that these issues can be negotiated under the municipal public employees labor relations laws.

Committee Amendment "A" (S-537) replaced the original bill and retained the educational policy exclusion. The current law's list of subjects that may not be considered educational policy (wages, hours, working conditions, and grievance arbitration) was expanded to include such things as rest and meal breaks, vacations, and internal transfers.

**LD 1384 An Act to Protect the Integrity and Enforceability of Collective Bargaining Agreements**

ONTP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>
RUHLIN	ONTP		
RAND			
ESTY			
ESTES			

**SUMMARY**

This bill required both the public employer and the bargaining agent to comply with all contract provisions resulting from a collective bargaining agreement for the duration of the agreement unless the Maine Labor Relations Board first determined that the negotiation of such provisions was materially affected by a violation of the bargaining laws. The bill also attempted to prevent any court from declaring a provision of the collective bargaining agreement invalid unless the MLRB first determined that the provision was a result of a prohibited act.

**LD 1657 An Act to Open Teacher-employer Bargaining to the Public**

ONTP-MAJ REP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>
MARSANO	ONTP	MAJ	
BARTH	OTP-AM	MIN	
BRAWN			

**SUMMARY**

This bill amended the law to: define public teacher and public employer bargaining as public proceedings; ensure that records produced in the bargaining process are open to the public; and eliminate the possibility of these proceedings being conducted in executive sessions. The bill further amended the law to require both public employers of teachers and teacher bargaining agents to open to the public all phases of the bargaining process in which both parties are present, including negotiations, mediations, fact-findings and interest arbitration. The bill specified that the public did not have a right to actively participated in any of the proceedings.