



129th MAINE LEGISLATURE

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Legislative Document

No. 900

H.P. 664

House of Representatives, February 19, 2019

**An Act To Expand the Rights of Public Employees under the Maine
Labor Laws**

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 SYLVESTER of Portland.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: ALLEY of Beals, COLLINGS of Portland, DOORE of Augusta,
EVANGELOS of Friendship, FARNSWORTH of Portland, MELARAGNO of Auburn,
RYKERSON of Kittery, TALBOT ROSS of Portland.

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

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

4 **2. Public employee prohibitions.** ~~Public~~ Except as provided under section 964-B,
5 public employees, public employee organizations, their agents, members and bargaining
6 agents are prohibited from:

7 A. Interfering with, restraining or coercing employees in the exercise of the rights
8 guaranteed in section 963 or a public employer in the selection of his ~~the~~ public
9 employer's representative for purposes of collective bargaining or the adjustment of
10 grievances;

11 B. Refusing to bargain collectively with a public employer as required by section
12 965; ~~or~~

13 C. Engaging in:

14 (1) A work stoppage;

15 (2) A slowdown;

16 (3) A strike; or

17 (4) The blacklisting of any public employer for the purpose of preventing ~~it~~ the
18 public employer from filling employee vacancies.

19 **Sec. 2. 26 MRSA §964-B** is enacted to read:

20 **§964-B. Authorized strikes**

21 **1. Authorization to engage in a strike.** A public employee, except for an employee
22 whose duties include protecting public safety, a public employee organization, an agent
23 of a public employee or public employee organization, a member of a public employee
24 organization or a bargaining agent of a public employee or public employee organization
25 may engage in a strike and a public employee organization may authorize a strike of the
26 members of the organization pursuant to the following procedures:

27 A. The membership of a public employee organization or unit of a public employee
28 organization that is affected by the issue for which the strike is called must conduct a
29 vote of a majority of members;

30 B. Upon an affirmative vote in paragraph A, the public employee organization or
31 unit of the public employee organization shall deliver to the public employer of the
32 employees voting to strike or the employer's agent a notice of the intent to strike and
33 state the date upon which the strike will begin and the date upon which the strike will
34 end; and

35 C. The public employee organization or unit of the public employee organization
36 sending notice of a strike or public employer receiving notice of a strike under
37 paragraph B may call for emergency bargaining within 3 days prior to the date upon
38 which the strike is intended to start.

1 **Sec. 3. 26 MRSA §979-C, sub-§2**, as amended by PL 1997, c. 741, §5 and
2 affected by §12, is further amended to read:

3 **2. State and legislative employee prohibitions.** ~~State~~ Except as provided under
4 section 979-T, state and legislative employees, employee organizations, their agents,
5 members and bargaining agents are prohibited from:

6 A. Interfering with, restraining or coercing employees in the exercise of the rights
7 guaranteed in section 979-B or the public employer in the selection of ~~its~~ the public
8 employer's representative for purposes of collective bargaining or the adjustment of
9 grievances;

10 B. Refusing to bargain collectively with the public employer as required by section
11 979-D; or

12 C. Engaging in:

13 (1) A work stoppage;

14 (2) A slowdown;

15 (3) A strike; or

16 (4) The blacklisting of the public employer for the purpose of preventing ~~it~~ the
17 public employer from filling employee vacancies.

18 **Sec. 4. 26 MRSA §979-T** is enacted to read:

19 **§979-T. Authorized strikes**

20 **1. Authorization to engage in a strike.** A state or legislative employee, except for
21 an employee whose duties include protecting public safety, a state or legislative employee
22 organization, an agent of a state or legislative employee or state or legislative employee
23 organization, a member of a state or legislative employee organization or a bargaining
24 agent of a state or legislative employee or state or legislative employee organization may
25 engage in a strike and a state or legislative employee organization may authorize a strike
26 of the members of the organization pursuant to the following procedures:

27 A. The membership of a state or legislative employee organization or unit of a state
28 or legislative employee organization that is affected by the issue for which the strike
29 is called must conduct a vote of a majority of members;

30 B. Upon an affirmative vote in paragraph A, the state or legislative employee
31 organization or unit of the state or legislative employee organization shall deliver to
32 the state or legislative employer of the employees voting to strike in paragraph A or
33 the employer's agent a notice of the intent to strike and state the date upon which the
34 strike will begin and the date upon which the strike will end; and

35 C. The state or legislative employee organization or unit of the state or legislative
36 employee organization sending notice of a strike or state or legislative employer
37 receiving notice of a strike under paragraph B may call for emergency bargaining
38 within 3 days prior to the date upon which the strike is intended to start.

1 **Sec. 5. 26 MRSA §1027, sub-§2**, as amended by PL 1989, c. 443, §72 and PL
2 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

3 **2. University, academy, community colleges; prohibitions.** University Except as
4 provided under section 1027-A, university employees, university employee organizations,
5 their agents, members and bargaining agents; academy employees, academy employee
6 organizations, their agents, members and bargaining agents; and community college
7 employees, community college employee organizations, their agents, members and
8 bargaining agents are prohibited from:

9 A. Interfering with, restraining or coercing employees in the exercise of the rights
10 guaranteed in section 1023 or the university, academy and community colleges in the
11 selection of their representatives for the purposes of collective bargaining or the
12 adjustment of grievances;

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

15 C. Engaging in:

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

17 (2) The blacklisting of the university, academy or community colleges for the
18 purpose of preventing them from filling employee vacancies.

19 **Sec. 6. 26 MRSA §1027-A** is enacted to read:

20 **§1027-A. Authorized strikes**

21 **1. Authorization to engage in a strike.** A university, academy or community
22 college employee, except for an employee whose duties include protecting public safety;
23 a university, academy or community college employee organization; an agent of a
24 university, academy or community college employee or a university, academy or
25 community college employee organization; a member of a university, academy or
26 community college employee organization; or a bargaining agent of a university,
27 academy or community college employee or university, academy or community college
28 employee organization may engage in a strike and a university, academy or community
29 college employee organization may authorize a strike of the members of the organization
30 pursuant to the following procedures:

31 A. The membership of a university, academy or community college employee
32 organization or unit of a university, academy or community college employee
33 organization that is affected by the issue for which the strike is called must conduct a
34 vote of a majority of members;

35 B. Upon an affirmative vote in paragraph A, the university, academy or community
36 college employee organization or unit of the university, academy or community
37 college employee organization shall deliver to the university, academy or community
38 college employer of the employees voting to strike in paragraph A or the employer's
39 agent a notice of the intent to strike and state the date upon which the strike will
40 begin and the date upon which the strike will end; and

1 C. The university, academy or community college employee organization or unit of
2 the university, academy or community college employee organization sending notice
3 of a strike or university, academy or community college employer receiving notice of
4 a strike under paragraph B may call for emergency bargaining within 3 days prior to
5 the date upon which the strike is intended to start.

6 **Sec. 7. 26 MRSA §1284, sub-§2**, as enacted by PL 1983, c. 702, is amended to
7 read:

8 **2. Judicial employee prohibitions.** ~~Judicial~~ Except as provided under section
9 1284-B, judicial employees, judicial employee organizations, their agents, members and
10 bargaining agents are prohibited from:

11 A. Interfering with, restraining or coercing employees in the exercise of the rights
12 guaranteed in section 1283 or the public employer in the selection of its
13 representative for purposes of collective bargaining or the adjustment of grievances;

14 B. Refusing to bargain collectively with the public employer, as required by section
15 1285; or

16 C. Engaging in:

17 (1) A work stoppage;

18 (2) A slowdown;

19 (3) A strike; or

20 (4) The blacklisting of the public employer for the purpose of preventing ~~it~~ the
21 public employer from filling employee vacancies.

22 **Sec. 8. 26 MRSA §1284-B** is enacted to read:

23 **§1284-B. Authorized strikes**

24 **1. Authorization to engage in a strike.** A judicial employee, except for an
25 employee whose duties include protecting public safety, a judicial employee organization,
26 an agent of a judicial employee or judicial employee organization, a member of a judicial
27 employee organization or a bargaining agent of a judicial employee or judicial employee
28 organization may engage in a strike pursuant to the following procedures:

29 A. The membership of a judicial employee organization or unit of a judicial
30 employee organization that is affected by the issue for which the strike is called must
31 conduct a vote of a majority of members;

32 B. Upon an affirmative vote in paragraph A, the judicial employee organization or
33 unit of the judicial employee organization shall deliver to the judicial employer of the
34 employees voting to strike in paragraph A or the employer's agent a notice of the
35 intent to strike and state the date upon which the strike will begin and the date upon
36 which the strike will end; and

37 C. The judicial employee organization or unit of the judicial employee organization
38 sending notice of a strike or judicial employer receiving notice of a strike under

