



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 52

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H.P. 18

House of Representatives, January 13, 2021

### **An Act Regarding Collective Bargaining Negotiations by Public Employers of Teachers**

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Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative BRENNAN of Portland.

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

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

4 C. To confer and negotiate in good faith with respect to wages, hours, working  
5 conditions and contract grievance arbitration, except that by such obligation neither  
6 party may be compelled to agree to a proposal or be required to make a concession and  
7 except that public employers of teachers shall in accordance with subsection 1-A meet  
8 and consult but not negotiate with respect to educational policies, except that  
9 educational policies related to preparation and planning time and transfer of teachers  
10 are permissive subjects of negotiation; for the purpose of this paragraph, educational  
11 policies may not include wages, hours, working conditions or contract grievance  
12 arbitration;

13 **Sec. 2. 26 MRSA §965, sub-§1-A** is enacted to read:

14 **1-A. Meet and consult.** The obligation of public employers of teachers and the  
15 bargaining agent to meet and consult under subsection 1, paragraph C is governed by this  
16 subsection.

17 A. A public employer of teachers shall give written notice to the bargaining agent  
18 when a change in educational policy is planned by the public employer of teachers.  
19 Upon receipt of the written notice, the bargaining agent may initiate the meet and  
20 consult process by notifying the public employer of teachers, including the  
21 superintendent. The public employer of teachers may also initiate the meet and consult  
22 process by notifying the bargaining agent.

23 B. The public employer of teachers shall, upon receipt of a request from the bargaining  
24 agent, provide to the bargaining agent information necessary for the bargaining agent  
25 and the employees to understand the planned change and make suggestions or express  
26 concerns about the planned change.

27 C. When notice to initiate the meet and consult process is given under paragraph A,  
28 authorized representatives of the public employer of teachers and the bargaining agent  
29 shall meet and consult at reasonable times and places about the planned change. The  
30 parties shall meet and consult openly, honestly and in good faith, and the public  
31 employer of teachers shall consider the employees' suggestions and concerns.

32 D. The authorized representatives of the public employer of teachers shall give full  
33 and fair consideration to the employees' suggestions and concerns before the change in  
34 educational policy is implemented, and the public employer of teachers shall decide in  
35 good faith whether employees' suggestions or concerns can be accommodated.

36 E. The bargaining agent may initiate the meet and consult process by notifying the  
37 public employer of teachers when an existing educational policy of the public employer  
38 is changed by practice or if the written notice required under paragraph A is  
39 inadvertently omitted.

40 **SUMMARY**

41 Current law provides that public employers of teachers must meet and consult but not  
42 negotiate with respect to educational policies. This bill provides that educational policies

1 related to preparation and planning time and transfer of teachers are permissive subjects of  
2 negotiation if both parties agree.

3 This bill also specifies the obligation of public employers of teachers regarding the  
4 meet and consult process. It is the intent of the amendment to put in statute the meet and  
5 consult process as outlined in *Southern Aroostook Teachers Association v. Southern*  
6 *Aroostook Community School Committee*, MLRB No. 80-35, 80-40 (April 14, 1982). In  
7 addition, the bill provides that the bargaining agent may initiate the meet and consult  
8 process by notifying the public employer of teachers when an existing educational policy  
9 of the public employer of teachers is changed by practice or if the written notice required  
10 from the public employer of teachers is inadvertently omitted.