



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1959

H.P. 1403

House of Representatives, January 8, 2020

**An Act To Include within the Definition of "Public Employee"
Those Who Have Been Employed Less than 6 Months**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SYLVESTER of Portland.
Cosponsored by Representatives: CARNEY of Cape Elizabeth, DODGE of Belfast, DOORE of Augusta, EVANGELOS of Friendship, FECTEAU of Biddeford, McDONALD of Stonington, TALBOT ROSS of Portland, TEPLER of Topsham.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation must take effect before the expiration of the 90-day period
4 in order to provide as soon as possible protections under the law to employees of public
5 employers who have been employed less than 6 months; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

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

11 **Sec. 1. 26 MRSA §962, sub-§6, ¶F,** as repealed and replaced by PL 1969, c. 578,
12 §1, is repealed.

13 **Sec. 2. 26 MRSA §979-A, sub-§6, ¶E,** as enacted by PL 1973, c. 774, is
14 repealed.

15 **Sec. 3. 26 MRSA §979-D, sub-§1, ¶E,** as amended by PL 1997, c. 741, §6 and
16 affected by §12, is further amended by amending subparagraph (3) to read:

17 (3) Cost items ~~shall~~ must be submitted for inclusion in the Governor's next
18 operating budget within 10 days after the date on which the agreement is ratified
19 by the parties. If the Legislature rejects any of the cost items submitted to it, all
20 cost items submitted ~~shall~~ must be returned to the parties for further bargaining.
21 Cost items related to a collective bargaining agreement reached under this
22 chapter and submitted to the Legislature for its approval under this subparagraph
23 ~~shall~~ may not be submitted in the same legislation that contains cost items for
24 employees exempted from the definition of "state employee" under section
25 979-A, subsection 6, and employees of the legislative branch, except that cost
26 items for those employees exempted under section 979-A, subsection 6,
27 ~~paragraphs E and~~ paragraph F, need not be excluded.

28 **Emergency clause.** In view of the emergency cited in the preamble, this
29 legislation takes effect when approved.

30 **SUMMARY**

31 This bill allows a person who has been an employee of the State or another public
32 employer for less than 6 months to be considered a public employee for the purposes of
33 the public employees labor relations laws.