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Date: (Filing No. S-)

LABOR AND HOUSING

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STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 180, L.D. 373, “An Act to Improve Labor Conditions for Maine Workers”

Amend the bill by striking out the title and substituting the following:

'An Act to Ensure Employer and Employee Harmony in Clean Energy Development Projects'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 35-A MRSA §3133-B is enacted to read:

§3133-B. Employer and employee harmony agreement required for clean energy development projects

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Clean energy development project" means a project that generates electricity using a renewable resource as defined in section 3210, subsection 2, paragraph C.

B. "Employer and employee harmony agreement" means an agreement between an employer and one or more labor organizations representing or seeking to represent the employer's employees that includes:

- (1) A guarantee against strikes, lockouts and similar disruptions;
- (2) Mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety and health; and
- (3) Mutually binding procedures for resolving labor disputes.

2. Responsible agency to require employer and employee harmony agreement as condition of lease. The commission, or any department, agency or instrumentality of the State responsible for granting a lease of state land for cables or transmission lines on or through state land or the lease of state land for the use or construction of a facility to be used in the development of a clean energy development project, including any facility

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1 owned or operated by the Maine Port Authority, shall require as a condition of the lease
2 that the lessee agree to enter into an employer and employee harmony agreement with any
3 labor organization representing or seeking to represent the lessee's employees at the clean
4 energy development project site.

5 **3. Agreement binding; exception.** An employer and employee harmony agreement
6 binds all contractors and subcontractors to the terms of the agreement, except that the
7 employer and employee harmony agreement does not apply to employees of contractors
8 and subcontractors who work on a temporary basis.

9 **4. Scope of agreement.** An employer and employee harmony agreement must be
10 designed to ensure that all clean energy development project work, including, but not
11 limited to, work performed in the manufacturing, fabrication or maintenance of the facility
12 or maritime operations associated with a clean energy development project, is
13 uninterrupted, prompt and safe.

14 **5. Application.** This section applies to a clean energy development project request
15 for proposals or competitive solicitation or clean energy development project put out to bid
16 on or after the effective date of this section.'

17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
18 number to read consecutively.

19 **SUMMARY**

20 This amendment, which is the majority report of the committee, replaces the bill, which
21 is a concept draft, and changes the title. This amendment requires an entity responsible for
22 granting a lease of state land for cables or transmission lines on or through state land or the
23 lease of state land for the use or construction of a facility to be used in the development of
24 a clean energy development project to require that the lessee, as a condition of the lease,
25 enter into an employer and employee harmony agreement.

26 **FISCAL NOTE REQUIRED**

27 **(See attached)**