



# 130th MAINE LEGISLATURE

LD 449

LR 1003(01)

## An Act To Strengthen the Ability of Public Employers and Unions To Negotiate

### Preliminary Fiscal Impact Statement for Original Bill

**Sponsor: Rep. McCrea of Fort Fairfield**

**Committee: Labor and Housing**

**Fiscal Note Required: Yes**

### Preliminary Fiscal Impact Statement

Potential State Mandate - Unfunded

#### State Mandates

##### Required Activity

Requires public employers that would have included the exception to the mutual obligation to meet requirement in a collective bargaining agreement to meet within 10 days after a written notice from the other party is made. This requirement may result in increased costs to those public employers for legal and other services.

##### Unit Affected

Municipality  
School

##### Local Cost

Moderate  
limited scope

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

#### Fiscal Detail and Notes

Public employers affected by this legislation include municipalities; school districts; the Maine Turnpike Authority; the Maine Public Employees Retirement System; water, sewer and fire districts; and counties and or a subdivision of a county. The impact to public employers whose current collective bargaining agreements include this exception that will now have to meet with a bargaining agent within 10 days of receiving written notice or to those public employers who would have included this exception in future collective bargaining agreements can not be determined. However, information provided by the Maine Municipal Association indicates that this exception provision is not widely used in municipal agreements.

This legislation may also result in increased costs to the Maine Labor Relations Board (MLRB) due to an increase in the number of complaint filings that may occur over disputes as to whether or not an employer owes a duty to bargain over a subject covered by an existing contract. The cost to the MLRB, and the ability of the board to absorb those costs within existing budgeted resources, will depend on the number of complaint filings received. The board estimates its portion of the cost to be \$1,300 per filing.