

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 18 - L.D. 52

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

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

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

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

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

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

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

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

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

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

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