

# Rulemaking Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Labor, Maine Labor Relations Board

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON: Henry D. Fouts, Board Counsel, Maine Labor Relations Board, 90 State House Station, Augusta, Maine 04330-0090. Telephone: (207) 287-2015. Email: henry.fouts@maine.gov

CHAPTER NUMBER AND RULE TITLE: Chapter 11, Bargaining Unit Composition and Representation Matters

TYPE OF RULE (*check one*): ☒ Routine Technical ☐ Major Substantive

STATUTORY AUTHORITY: 26 M.R.S. §968(3)

DATE, TIME AND PLACE OF PUBLIC HEARING: May 7, 2025, 2:00 p.m., remote via Zoom videoconference (information on remote participation is available at <https://www.maine.gov/mlrb>, and the public may also access the meeting by visiting the MLRB office at 19 Elkins Lane, Augusta).

COMMENT DEADLINE: May 17, 2025

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

This proposed rulemaking is intended to streamline the process for petitioning the Board to certify new, or make changes to existing, bargaining units and bargaining agents. Although petitions are filed with the Board electronically, current rules require the filing of physical signed Showing of Interest and Employee Authorization forms from affected bargaining unit employees. The proposed changes would allow for the filing of digital scans of the signed forms in lieu of the physical originals, significantly easing the administrative burden for parties. No changes are made to the existing processes by which the legitimacy of the forms may be challenged or otherwise called into question.

This rulemaking would also make changes to conform the Board's rules to several recently enacted laws. First, by clarifying that majority-sign up petitions are permitted under all of the collective bargaining laws administered by the Board, and not just the Municipal Public Employees Labor Relations Law, pursuant to P.L. 2023, c. 541 (LD 2032, 131st Legislature,). Next, providing for a bargaining agent merger process, in accordance with P.L. 2023, c. 240 (LD 1922, 131st Legislature). And finally, changing the rules regarding voter eligibility in elections to reflect that new employees are eligible for collective bargaining, pursuant to P.L. 2021, c. 601 (LD 775, 130th Legislature).

The proposed rules would also clarify that Board postings of notices, including notices of elections and sample ballots, are posted electronically on the Board's website as opposed to being posted physically at the Board's office.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? \_\_\_YES XNO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

This proposed rulemaking will facilitate the filing with the Board of petitions that currently require the physical filing of Showing of Interest and Employee Authorization forms by reducing the administrative burden for filing parties and thereby increasing the speed and efficiency of the process. It will also bring the Board's rules into conformity with recent statutory changes and reflect current process of posting notices on the Board's website.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

Staff relied on feedback from practitioners and internal review of existing rules. Staff also consulted with the Office of the Attorney General during the development of these amendments to ensure consistency with State requirements.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

This proposal will not have a significant fiscal impact on the agency or members of the regulated community.

***FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:  
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED  
AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

*Note: If necessary, additional pages may be used.*