

**§962. Definitions**

As used in this chapter the following terms shall, unless the context requires a different interpretation, have the following meanings. [PL 1969, c. 424, §1 (NEW).]

**1. Board.** "Board" means the Maine Labor Relations Board referred to in section 968. [PL 1975, c. 564, §9 (AMD).]

**2. Bargaining agent.** "Bargaining agent" means any lawful organization, association or individual representative of such organization or association which has as its primary purpose the representation of employees in their employment relations with employers, and which has been determined by the public employer or by the executive director of the board to be the choice of the majority of the unit as their representative. [PL 1973, c. 458, §1 (AMD).]

**2-A. Bureau.** [PL 1975, c. 564, §10 (RP).]

**3. Commissioner.** [PL 1971, c. 620, §13 (RP).]

**4. Department.** [PL 1971, c. 620, §13 (RP).]

**4-A. Director.** [PL 1975, c. 564, §11 (RP).]

**4-B. Executive director.** "Executive director" means the Executive Director of the Maine Labor Relations Board. [PL 1975, c. 564, §12 (AMD).]

**5. Professional employee.** "Professional employee" means any employee engaged in work:

A. Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work; [PL 1969, c. 424, §1 (NEW).]

B. Involving the consistent exercise of discretion and judgment in its performance; [PL 1969, c. 424, §1 (NEW).]

C. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given time period; and [PL 1969, c. 424, §1 (NEW).]

D. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes. [PL 1969, c. 424, §1 (NEW).]

[PL 1975, c. 564, §§9-12 (AMD).]

**6. Public employee.** "Public employee" means an employee of a public employer, except a person:

A. Elected by popular vote; [RR 2021, c. 2, Pt. A, §89 (COR).]

B. Appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, except that appointees to county offices may not be excluded under this paragraph unless defined as a county commissioner under Title 30-A, section 1302; [RR 2021, c. 2, Pt. A, §89 (COR).]

C. Whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head, body, department head or division head; [RR 2021, c. 2, Pt. A, §89 (COR).]

D. Who is a department head or division head appointed to office pursuant to statute, ordinance or resolution for an unspecified term by the executive head or body of the public employer; [RR 2021, c. 2, Pt. A, §89 (COR).]

E. Who is a superintendent or assistant superintendent of a school system; [RR 2021, c. 2, Pt. A, §89 (COR).]

F. [PL 2021, c. 601, §3 (RP).]

G. Who is a temporary, seasonal or on-call employee; or [PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD); PL 1989, c. 654, §1 (AMD); PL 1989, c. 654, §13 (AFF).]

H. Who is a prisoner employed by a public employer during the prisoner's term of imprisonment, except for prisoners who are in a work release program or supervised community confinement pursuant to Title 34-A, section 3036-A. [PL 2013, c. 133, §21 (AMD).]  
[RR 2021, c. 2, Pt. A, §89 (COR).]

**7. Public employer.** "Public employer" means:

A. Any officer, board, commission, council, committee or other persons or body acting on behalf of:

- (1) Any municipality or any subdivision of a municipality;
- (2) Any school, water, sewer, fire or other district;
- (3) The Maine Turnpike Authority;
- (5) Any county or subdivision of a county;
- (6) The Maine Public Employees Retirement System;
- (7) The Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf; or
- (8) Any innovative, autonomous public school, innovative public school district, innovative public school zone or teacher-led school created and operated under Title 20-A, section 6212 or 6213; [PL 2013, c. 303, §6 (AMD).]

B. Any employer not covered by any other state or federal collective bargaining law that is:

- (1) Established directly by the State or a political subdivision to constitute a department or administrative office of government; or
- (2) Administered by individuals responsible to public officials or to the general electorate. [PL 1991, c. 576 (NEW).]

If any public employer, as defined in this or any other section, controls the operations of another employer to the extent that the public employer deprives that other employer of sufficient control over its own employees to enable it to bargain with a labor organization representing those employees, the public employer must be treated as the employer of those employees for the purposes of this chapter. [PL 2013, c. 303, §6 (AMD).]

#### SECTION HISTORY

PL 1969, c. 424, §1 (NEW). PL 1969, c. 578, §§1,2 (AMD). PL 1971, c. 609, §1 (AMD). PL 1971, c. 620, §13 (AMD). PL 1973, c. 458, §§1-3 (AMD). PL 1975, c. 9 (AMD). PL 1975, c. 564, §§9-12 (AMD). PL 1981, c. 137, §1 (AMD). PL 1981, c. 529, §5 (AMD). PL 1981, c. 698, §117 (AMD). PL 1987, c. 737, §§C70,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 499, §12 (AMD). PL 1989, c. 654, §§1,2 (AMD). PL 1989, c. 654, §13 (AFF). PL 1991, c. 576 (AMD). PL 1991, c. 843, §4 (AMD).

PL 1993, c. 410, §L45 (AMD). PL 1997, c. 698, §1 (AMD). PL 1999, c. 775, §13 (AMD). PL 2001, c. 374, §6 (AMD). PL 2003, c. 646, §3 (AMD). PL 2005, c. 279, §15 (AMD). PL 2005, c. 662, §A43 (AMD). PL 2007, c. 58, §3 (REV). PL 2009, c. 142, §11 (AMD). PL 2011, c. 446, §3 (AMD). PL 2013, c. 133, §21 (AMD). PL 2013, c. 303, §6 (AMD). PL 2021, c. 601, §3 (AMD). RR 2021, c. 2, Pt. A, §89 (COR).

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