

MAINE STATE LEGISLATURE

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yes ✓
March 28, 1967

Marion E. Martin, Commissioner
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Fire Fighters Arbitration Law.

Labor and Industry
Attorney General

FACTS:

The 102nd Legislature of the State of Maine enacted into law the Fire Fighters Arbitration Law. Said law provides for the creation of a three-member arbitration board to resolve disputes. In section 988 of Title 26 it is stated:

"A majority decision of the arbitrators shall not be final and binding upon either the bargaining agent or the corporate authorities."

QUESTION:

Would a unanimous decision of the arbitrators be final and binding?

ANSWER:

Yes.

The policy of the Fire Fighters Arbitration Law is set forth in 26 M.R.S.A. § 981 and provides in essence that in the absence of the right to engage in strikes or other work stoppage devices, that members of any paid municipal fire department shall have the right, among other things, to submit their labor disputes to arbitration.

26 M.R.S.A. § 981 provides in part as follows:
"It is declared to be the public policy of this state to accord to the permanent uniformed members of any paid fire department in any municipality all of the rights of labor other than the right to strike, or engage in any work stoppage

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or slowdown. To provide for the exercise of these rights, a method of arbitration of disputes is established." (Emphasis supplied)

To render arbitration an effective procedure for the settlement of disputes, we believe that the Legislature clearly intended that the decision of the arbitrators should be final and binding upon the parties who submit their disputes to arbitration. If the decision is not final and binding then the entire arbitration procedure would appear to be a nullity and would not in fact be a method for resolving disputes.

If the Legislature had intended that the decision of the arbitration board should never be final and binding upon the parties, we believe they would have clearly said so. Instead, the Legislature has simply stated that "a majority decision of the arbitrators shall not be final and binding."

Both parties to the arbitration procedure, the municipal corporate authorities and the fire fighters, each choose one arbitrator and the two arbitrators so chosen in turn select a third. When all three arbitrators render a unanimous decision, there would appear to be no reason why such a decision should not be considered a final resolution of the matter in dispute between the parties.

Phillip M. Kilmister
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