

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 785

H. P. 604

House of Representatives, February 12, 1969

Referred to Committee on Labor. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Cote of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

**AN ACT Establishing the Policemen's Arbitration Law and Amending the
Fire Fighters Arbitration Law.**

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

Sec. 1. R. S., T. 26, § 980, amended. Section 980 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, is amended to read as follows:

§ 980. Short Title

This chapter shall be known and may be cited as the "Fire Fighters and Policemen's Arbitration Law."

Sec. 2. R. S., T. 26, § 981, amended. The first sentence of section 981 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, is amended to read as follows:

The protection of the public health, safety and welfare demands that the permanent uniformed members of any paid fire or police department in any municipality not be accorded the right to strike or engage in any work stoppage or slowdown.

Sec. 3. R. S., T. 26, § 981, amended. The first sentence of the 2nd paragraph of section 981 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, is amended to read as follows:

It is declared to be the public policy of this State to accord to the permanent uniformed members of any paid fire or police department in any municipality all of the rights of labor other than the right to strike or engage in any work stoppage or slowdown.

Sec. 4. R. S., T. 26, § 982, sub-§ 1, amended. Subsection 1 of section 982 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, is amended to read as follows:

1. **Corporate authorities.** "Corporate authorities" means the proper officials within any municipality whose duty or duties it is to establish the wages, salaries, rates of pay, hours, working conditions and other terms and conditions of employment of fire fighters **or policemen**, whether they are the mayor, city manager, town manager, town administrator, city council, town council, director of personnel, personnel board or commission, or by whatever other name the same may be designated, or any combination thereof.

Sec. 5. R. S., T. 26, § 982, sub-§ 3, additional. Section 982 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, is amended by adding a new subsection 3, as follows:

3. **Policeman.** "Policeman" means the permanent uniformed members of any paid police department in any municipality within the State.

Sec. 6. R. S., T. 26, § 983, amended. Section 983 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, is amended to read as follows:

§ 983. Right to organize and bargain collectively

The fire fighters **or policemen** in any municipality shall have the right to bargain collectively with their respective municipalities and to be represented by a labor organization in such collective bargaining as to wages, rates of pay, hours, working conditions and all other terms and conditions of employment.

Sec. 7. R. S., T. 26, § 984, amended. Section 984 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, is amended to read as follows:

§ 984. Recognition of bargaining agent

The Commissioner of Labor and Industry upon signed petition of at least 50% of the fire fighters **or policemen** employed in any municipality that they desire to be represented by an organization shall conduct a secret election to determine whether the organization represents a majority of the fire fighters **or policemen**, and upon determination that they do, he shall certify them as a bargaining agent. The labor organization certified as representing a bargaining agent shall be recognized by the municipal authorities as the sole and exclusive bargaining agent for all of the members of the municipal fire department **or police department** unless and until a decertification election shall be held and the labor organization declared by the Commissioner of Labor and Industry as not representing a majority of the fire fighters **or policemen** in the municipalities.

Sec. 8. R. S., T. 26, § 987, amended. The first sentence of section 987 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, is amended to read as follows:

Within 5 days from the expiration of the 30-day period referred to in section 986, the bargaining agent and the corporate authorities **shall refer the dispute to the State Board of Arbitration and Conciliation** and shall each select and name one arbitrator **from that board** and shall immediately thereafter notify each other in writing of the name and address of the person so selected.

Sec. 9. R. S., T. 26, § 988, amended. The last sentence of section 988 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, is amended to read as follows :

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

Sec. 10. R. S., T. 26, § 989, amended. The first sentence of section 989 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, is amended to read as follows :

The arbitrators shall conduct the hearings and render their decision upon the basis of a prompt, peaceful and just settlement of wage or hour disputes between the fire fighters **or policemen** and the municipality by which they are employed.

Sec. 11. R. S., T. 26, § 989, sub-§§ 1, 2 and 3. Subsections 1, 2 and 3 of section 989 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, are amended to read as follows :

1. **Building trades and industry.** Comparison of wage rates or hourly conditions of employment of the fire department **or police department** in question with prevailing wage rates or hourly conditions of employment of skilled employees of the building trades and industry in the local operating area involved.

2. **Similar employment.** Comparison of wages rates or hourly conditions of employment of the fire department **or police department** in question with wage rates or hourly conditions of employment maintained for the same or similar work of employees exhibiting like or similar skills under the same or similar working conditions in the local operating area involved.

3. **Departments of comparable size.** Comparison of wage rates or hourly conditions of employment of the fire department **or police department** in question with wage rates or hourly conditions of employment of fire departments **or police departments** in municipalities of comparable size.

Sec. 12. R. S., T. 26, § 991, amended. Section 991 of Title 26 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1965, is amended to read as follows :

§ 991. Collective bargaining contract ; what constitutes

Any agreements actually negotiated between the bargaining agent and the corporate authorities either before, or within 30 days after arbitration, shall constitute the collective bargaining contract governing fire fighters **or policemen** and said municipality for the period stated therein, provided that such period shall not exceed one year. Any collective bargaining agreement nego-

tiated under this chapter shall specifically provide that the fire fighters or policemen who are subject to its terms shall have no right to engage in any work stoppage, slowdown or strike, the consideration for such provision being the right to a resolution of disputed questions.