

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
104th LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H. P. 1410, L. D. 1776, Bill,  
"AN ACT Amending the Municipal Public Employees Labor Relations  
Law."

Amend said Bill by striking out all of section 1 (same  
in L.D.) and inserting in place thereof the following:

'Sec. 1. R. S., T. 26, § 962, sub-§6, ¶F, repealed and  
replaced. Paragraph F of subsection 6 of section 962 of  
Title 26 of the Revised Statutes, as enacted by section 1 of chapter  
424 of the public laws of 1969, is repealed and the following  
enacted in place thereof:

F. Who has been employed less than 6 months.'

Further amend said Bill by adding after section 2, (same  
in L.D.) the following sections:

'Sec. 2-A. R. S., T. 26, §965, sub-§4, amended. The  
last sentence of the 2nd paragraph of subsection 4 of section 965  
of Title 26 of the Revised Statutes, as enacted by section 1 of  
chapter 424 of the public laws of 1969, is amended to read as  
follows:

Such determinations will be subject to review by a-Justice-of  
the Superior Court in the manner specified by section 7 972.

Sec. 2-B. R. S., T. 26, §965, sub-§4, amended. The last  
paragraph of subsection 4 of section 965 of Title 26 of the Revised  
Statutes, as enacted by section 1 of chapter 424 of the public  
laws of 1969, is amended to read as follows:

If the controversy is not resolved by the parties themselves, the  
arbitrators shall proceed as follows: With respect to a controversy

*(Filing No. H-656)*

over salaries, pensions and insurance, the arbitrators will recommend terms of settlement and may make findings of fact; such recommendations and findings will be advisory only and will be made, if reasonably possible, within 30 days after the selection of the neutral arbitrator; the arbitrators may in their discretion, make such recommendations and findings public, and either party may make such recommendations and findings public if agreement is not reached with respect to such findings and recommendations within 10 days after their receipt from the arbitrators; with respect to a controversy over subjects other than salaries, pensions and insurance, the arbitrators shall make determinations with respect thereto if reasonably possible within 30 days after the selection of the neutral arbitrator; such determinations may be made public by the arbitrators or either party; and if made by a majority of the arbitrators, such determinations will be binding on both parties and the parties will enter an agreement or take whatever other action that may be appropriate to carry out and effectuate such binding determinations; and such determinations will be subject to review by a Justice of the Superior Court in the manner specified by section 7 972.'

Further amend said Bill by adding after section 5, (same in L.D.) the following:

'Sec. 5-A. R. S., T. 26, §968, amended. The last sentence of the first paragraph of section 968 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is repealed as follows:

~~This appeal will be the sole means of review of such determinations, section 7 to the contrary notwithstanding.~~

*(Filing No. H-656)*

Further amend said Bill by adding after section 6 (same in L.D.) the following:

'Sec. 6-A. R. S., T. 26, § 968, sub-§1, amended. The last sentence of the 3rd paragraph of subsection 1 of section 968 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is amended to read as follows:

Decisions of the appeals board shall be subject to review by a Justice-of the Superior Court in the manner specified in section 7 972.'

Further amend said Bill by adding after section 7 (same in L.D.) the following section:

'Sec. 8. R. S., T. 26, §972, additional. Title 26 of the Revised Statutes is amended by adding a new section 972, to read as follows:

§ 972. Review

Either party may seek a review by the Superior Court of a binding determination by an arbitration panel or a decision of the Public Employees Labor Relations Appeal Board. Such review shall be sought in accordance with Rule 80 B of the Rules of Civil Procedure.

The binding determination of an arbitration panel or arbitrator or the decision of the Public Employees Labor Relations Appeal Board, in the absence of fraud, upon all questions of fact shall be final. The court may, after consideration, affirm, reverse or modify any such binding determination or decision based upon an

*(Filing No. H-656)*

erroneous ruling or finding of law. An appeal may be taken  
to the law court as in any civil action.'

Reported by the Committee on Labor.

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of the House.

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