

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1729

H. P. 1320

House of Representatives, April 2, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT Expanding and Clarifying the Functions and Purposes of the Panel
of Mediators.**

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

Sec. 1. R. S., T. 26, §§ 881 to 885, repealed. Section 881, section 882, as amended, section 882-A, as enacted by chapter 19 of the public laws of 1971 and sections 883 to 885 of Title 26 of the Revised Statutes, are repealed.

Sec. 2. R. S., T. 26, § 965, sub-§ 2, repealed and replaced. Subsection 2 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section 965 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is repealed and the following enacted in place thereof:

2. Mediation

A. It is the declared policy of the State to provide full and adequate facilities for the settlement of disputes between employers and employees or their representatives through mediation.

B. Mediation procedures shall be followed whenever either party to a controversy requests such services prior to arbitration, or, in the case of disputes affecting public employers, public employees or their respective representatives as defined, whenever requested by either party prior to arbitration or at any time on motion of the Public Employees Labor Relations Board or its executive director.

C. A panel of mediators shall be established and shall consist of not less than 5 nor more than 10 impartial members appointed by the Governor, with the advice and consent of the Council, from time to time upon the

expiration of the terms of the several members, for terms of 3 years. One member of the panel shall be appointed chairman thereof by the Governor with the advice and consent of the Council. Vacancies occurring during a term shall be filled for the unexpired term. Members of the panel shall each receive \$100 a day for their services, for the time actually employed in the discharge of their official duties and shall also receive their traveling and all other necessary expenses. Neither the director nor any official of the Bureau of Labor and Industry nor any member of the Board of Arbitration and Conciliation or any member of the Public Employees Labor Relations Board shall be eligible to serve as a member of the panel.

D. The employer, union or employees involved in collective bargaining procedures in the private sector shall notify the panel of mediators, by addressing their notice to the executive director, Public Employees Labor Relations Board, whenever contracts are to be negotiated between the employer and the employees or whenever a dispute arises between the parties threatening interruption of work, or under both conditions.

E. The chairman of the panel of mediators, upon request of one or both of the parties to a dispute between an employer and his employees occurring in the private sector, shall, or upon his own motion may proffer the services of one or more members of the panel to be selected by him, to serve as mediator or mediators in such a dispute. The member or members so selected shall exert every reasonable effort to encourage the parties to the dispute to settle their differences by conference or other peaceful means.

F. The executive director of the Public Employees Labor Relations Board, upon request of one or both of the parties to a dispute between an employer and his employees, occurring in the public sector, shall, or upon his own motion or motion of the Public Employees Labor Relations Board may, proffer the services of one or more members of the panel to be selected by him, to serve as mediator or mediators in such a dispute. The member or members so selected shall exert every reasonable effort to encourage the parties to the dispute to settle their differences by conference or other peaceful means. The executive director of the Public Employees Labor Relations Board shall also serve as executive secretary of the panel of mediators.

G. The services of the panel of mediators shall not be invoked in any dispute regarding a matter of grievance between the parties to an agreement if such agreement provides for an alternate method of settlement of such grievance dispute; however, the services of the panel of mediators shall always be available as a technique for impasse resolution in contract negotiations and may be invoked as described in paragraph B.

H. Any information disclosed by either party to a dispute to the panel or any of its members in the performance of this subsection shall be privileged.

STATEMENT OF FACT

The purpose of this bill is reflected in the title.