

MAINE STATE LEGISLATURE

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(New Title)
New Draft of H. P. 977, L. D. 1291

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1996

H. P. 1562

House of Representatives, June 1, 1973

Reported by Mrs. Wheeler from Committee on Judiciary and printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

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 R. S., T. 26, §§ 881 to 885, repealed.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as enacted by chapter 19 of the public laws of 1971 and sections 883 to 885 of Title 26 of the Revised Statutes, are repealed.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 R. S., T. 26, § 965, sub-§ 2, repealed and replaced.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section 965 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, is repealed and the following enacted in place thereof: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. Vacancies occurring during a term shall be filled for the unexpired term. Members of the panel shall each receive \$75 a day for their services, for the time actually employed in the discharge of their official duties and shall also receive their travel and all other necessary expenses. The costs for services rendered and expenses incurred by the panel shall be paid by the State from an appropriation for said panel which shall be included in the budget of the Public Employees Labor Relations Board. Authorization for services rendered and expenditures incurred by members of the panel shall be the responsibility of the executive director.

D. The employer, union or employees involved in collective bargaining shall notify the executive director of the Public Employees Labor Relations Board, in writing, at least 30 days prior to the expiration of a contract, or 30 days prior to entering into negotiations for a first contract between the employer and the employees, or whenever a dispute arises between the parties threatening interruption of work, or under both conditions.

E. The executive director of the Public Employees Labor Relations Board shall serve as executive director of the Panel of Mediators. He shall annually, on or before the first of July make a report to the Governor and Executive Council. 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 its employees, 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. If the mediator or mediators are unable to accomplish this objective and to obtain an amicable settlement of the dispute between the parties, it shall then be the duty of the mediator or mediators to advise the parties of the services available to assist them in settlement of their dispute. At this time, the mediator or mediators shall submit a written report to the executive director stating the action or actions that have been taken and the results of their endeavors.

F. 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.

G. 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 Act is to provide full and adequate facilities for the settlement of disputes between public employers and employees or their representatives through mediation.