

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 508

S. P. 144

In Senate, February 4, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Corson of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Panel of Mediators.

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

Sec. 1. 26 MRSA, §§ 891-896 are enacted to read:

§ 891. Policy

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

§ 892. Panel

A Panel of Mediators, to consist of not less than 5 nor more than 10 impartial members, shall be 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 \$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. The costs for services rendered and expenses incurred by the panel shall be paid by the State from an appropriation of said panel which shall be included in the budget of the Bureau of Labor and Industry. Authorization for services rendered and expenditures incurred by members of the panel shall be the responsibility of the Director of the Bureau of Labor and Industry.

§ 893. Notification

The employer, union or employees shall notify the director, in writing, whenever contracts are to be negotiated between the employer and the em-

ployees or whenever a dispute arises between the parties threatening interruption of work or under both conditions.

§ 894. Mediation procedure; duties

The director, upon request of one or both of the parties to a dispute between an employer and his employees, 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 a 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 director stating the action or actions that have been taken and the results of their endeavors.

§ 895. Services not available if covered by agreement

The services of the panel as mediators shall not be invoked in any dispute between the parties to an agreement between an employer and his employees if such agreement contains provisions for a method of settlement of such dispute.

§ 896. Information privileged

Any information disclosed by either party to a dispute to the panel or any of its members in carrying out this subchapter shall be privileged.

Sec. 2. 26 MRSA, § 965, sub-§ 2, as enacted by PL 1969, c. 424, § 1 and as repealed and replaced by PL 1973, c. 617, § 2, is repealed and the following enacted in place thereof:

2. **Mediation.** Mediation procedures shall be followed whenever either party to a controversy requests such services prior to arbitration or at any time on motion of the Public Employees Labor Relations Board or its executive director, with the advice and consent of the Director of the Bureau of Labor and Industry in accordance with sections 891 to 896.

Sec. 3. 26 MRSA, § 979-D, sub-§ 2, as enacted by PL 1973, c. 774, is repealed and the following enacted in place thereof:

2. **Mediation.** Mediation procedures shall be followed whenever either party to a controversy requests such services prior to arbitration or at any time on motion of the Public Employees Labor Relations Board or its executive director, with the advice and consent of the Director of the Bureau of Labor and Industry in accordance with sections 891 to 896.

STATEMENT OF FACT

Placement of the statute establishing and regulating the Panel of Mediators within the Public Employees Labor Relations chapter has, in effect, deprived the private sector of the benefits of this service. This bill would return the panel to a separate place in the body of labor laws, making clear that it is available to both the public and private sector.