

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1000

H. P. 816

House of Representatives, March 7, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Snow of Falmouth, By Request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Clarifying Administration Procedures of the State Board of Arbitration and Conciliation.

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

Sec. 1. 26 MRSA § 911, 5th sentence, is repealed as follows:

~~The board shall hold a meeting on the 3rd Wednesday of September in each year and shall organize by choosing from its members a secretary~~

Sec. 2. 26 MRSA § 911, 7th sentence, is amended to read:

They shall receive their traveling and all other necessary expenses, and the costs for services rendered and expenses incurred by the Board of Arbitration and Conciliation shall be paid by the State from an appropriation for said board 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 Board of Arbitration and Conciliation shall be the responsibility of the executive director of the Public Employees Labor Relations Board who shall, annually, on or before the first of July, make a report of the activities of the State Board of Arbitration and Conciliation to the Governor and Council.

Sec. 3. 26 MRSA § 911, 8th sentence, as amended by PL 1971, c. 620, § 13, is further amended to read:

The board shall from time to time make such rules of procedure as it deems necessary and shall annually, on or before the first day of July, make a report to the Governor and Council, which shall be incorporated in and printed with the biennial report of the bureau.

Sec. 4. 26 MRSA § 911, 9th sentence, as amended by PL 1971, c. 620, § 13, is repealed as follows:

~~The appropriation for the board shall be included in the bureau's budget and authorization for expenditures shall be the responsibility of the director~~

Sec. 5. 26 MRSA § 915, 2nd ¶, is amended to read:

When such request or notification is received, ~~it appears that as many as 10 employees are directly concerned therein~~ the board shall endeavor, by conciliation, to obtain an amicable settlement; failing that, endeavor to persuade such employer and employees to submit the matter to arbitration ~~by the board or a local board of arbitration.~~

Sec. 6. 26 MRSA § 916, last ¶, as amended by PL 1971, c. 620, § 13, is further amended to read:

The board shall hear all interested persons who come before it, advise the respective parties what ought to be done by either or both to adjust such controversy, and shall, when the case is finally settled, make a written report to the Governor and the executive director of the Public Employees Labor Relations Board.

Sec. 7. 26 MRSA § 917, 2nd ¶, is amended to read:

Upon receipt of the application for such inquiry, the ~~secretary~~ chairman, through the auspices of the Public Employees Labor Relations Board, shall give notice of time and place of hearing, and may, at the board's discretion, give public notice by publishing in at least one newspaper the time and place of the hearing.

Sec. 8. 26 MRSA § 918 is amended to read:

§ 918. Submission to arbitration; decision

If the case cannot be settled through the process of conciliation, the interested parties may submit the case to arbitration by filing an arbitration application with the ~~secretary or~~ chairman of the board, by mailing said application to his attention at the offices of the Public Employees Labor Relations Board in Augusta, Maine.

The ~~secretary~~ chairman of the board through the auspices of the Public Employees Labor Relations Board, shall forthwith after such filing give notice of the time and place of hearing to both parties.

Sec. 9. 26 MRSA § 919, 3rd and 5th sentences are amended to read:

When the matter is submitted to arbitration by the board, said board shall investigate the matters in controversy, shall hear all interested persons who come before it, and make a written decision thereof which shall be recorded by the ~~secretary~~ chairman of the board.

Such notice may be given to the employees by posting it in 3 conspicuous places in the shop, factory, yard or other place where they work, and copy of such notice shall be filed with the ~~secretary or~~ chairman of the board.

Sec. 10. 26 MRSA § 920, 4th sentence is amended to read:

The decision of said board shall be rendered within 10 days after the close of any hearing held by it and copies of the decision shall at once be forwarded to the parties to the contract of arbitration and a copy thereof shall be filed with the ~~secretary~~ chairman of the State Board of Arbitration and Conciliation and with the Public Employees Labor Relations Board.

Sec. 11. 26 MRSA § 965, sub-§ 6 is enacted to read:

6. Arbitration administration. The cost for services rendered and expenses incurred by the State Board of Arbitration and Conciliation, as defined in section 911, shall be paid by the State from an appropriation for said Board of Arbitration and Conciliation 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 State Board of Arbitration and Conciliation shall be the responsibility of the executive director.

STATEMENT OF FACT

This Act consolidates the impasse resolution techniques authorized under the Labor Laws of the State of Maine by centralizing the administration of the State Board of Arbitration and Conciliation with the administration of fact finding and mediation procedures already managed by the Public Employees Labor Relations Board. This consolidation is consistent with the theory of a single agency within State government to administer labor relations laws. Furthermore, the State Employees Labor Relations Act contemplates the use of the Maine Board of Arbitration and Conciliation in its impasse procedures and could result in a conflict of interest if and when it were to address questions involving state employees. Consequently, the changes envisioned in this Act are necessary to avoid any potential conflicts of interest and to promote the efficiency of State Government.