

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 640

H. P. 522

House of Representatives, February 24, 1977

Referred to Committee on Labor. Sent up for concurrence and 2,000 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Concerning Arbitration for Municipal Fire Departments.

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

25 MRSA § 965, sub-§ 4-A is enacted to read:

4-A. Arbitration in public fire departments. Notwithstanding the provisions of subsection 4, it is the public policy of this State that in public fire departments, where the right of employees to strike is by law prohibited, it is requisite to the high morale of such employees and the efficient operation of such departments to afford an alternate, expeditious, effective and binding procedure for the resolution of disputes and to that end the provisions of this section shall be construed.

If the parties have not resolved their controversy and if they do not jointly agree to a mutually satisfactory arbitration procedure, then either party may, by written notice to the other, request that their differences be submitted to a board of 3 arbitrators selected in the manner outlined in subsection 4.

Ten days prior to the hearing, to be held pursuant to subsection 4, each party shall submit a written statement containing his last and best offer for each of the economic issues in dispute to the arbitration panel, which shall take such statements under advisement. Before the close of the hearing, each party shall have the opportunity to amend its last best offer either orally or in writing. Within 30 days after the conclusion of the hearing, a majority of the panel shall select one of the 2 written statements, together with any amendments made at the conclusion of the hearing, and shall immediately give written notice of the selection to the parties. The selection shall be final and binding upon the parties and upon the appropriate legislative body.

In arriving at a decision as to which of the written statements to accept, the panel shall be limited exclusively to evidence submitted by the parties on the following standards and shall select that written statement which most closely effects the purposes of the Act. The standards to be used are:

- A. The lawful authority of the employer ;
- B. The value of the services performed by the members of the bargaining unit to the citizens in the municipality ;
- C. The financial ability of the unit of government to meet proposed cost increases, including any possible changes in the local tax rate ;
- D. Comparison of wage rates and other conditions of employment with those rates and conditions in similar communities ;
- E. The physical, educational and mental qualifications necessary to perform the employment, together with the rate of occupational hazard, injury or disease ;
- F. The decision recommended by the fact finder ; if any ;
- G. The average consumer prices for goods and services in the geographical area known as the cost of living ; and
- H. The stipulation of the parties.

STATEMENT OF FACT

This bill concerns arbitration for municipal fire departments.