

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1035

H. P. 824

House of Representatives, March 5, 1979

On Motion of Mr. Wyman of Pittsfield, referred to the Committee on Labor.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Higgins of Scarborough.

Cosponsor: Mr. Carter of Winslow.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Modify the Dispute Resolution Process under the Labor Statutes.

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

Sec. 1. 26 MRSA § 965, sub-§ 2, ¶ E, as amended by PL 1975, c. 564, § 16, is repealed and the following enacted in its place:

E. The Executive Director of the Maine Labor Relations Board shall serve as Executive Director of the Panel of Mediators. He shall annually, on or before the first day of July, report to the Governor. The Executive Director of the Maine 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 Maine 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.

Once so selected, the mediator or mediators shall conduct a hearing to determine if a bona fide impasse actually exists and that the parties have bargained in good faith. If the mediator or mediators determine that either a bona fide impasse does not exist or that one or both parties have not bargained in good faith, then the mediator or mediators may stop the mediation process and order both parties back to the negotiations table to bargain collectively until the mediator or mediators determine otherwise.

If the mediator or mediators determine that the parties should not return to the negotiations table to bargain collectively, then the mediator or mediators shall exert every reasonable effort to encourage the parties to settle their differences by conference or other peaceful means.

If the mediator or mediators are unable 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 the settlement of their dispute. At this time, the mediator or mediators shall submit a written report to both parties and the Executive Director stating the action or actions that have been taken and the results of their endeavors.

The parties shall have a period of 30 days after receipt of the mediator report in which to make a good faith effort to resolve their controversy.

If the parties have not resolved their controversy by the end of that period, either party, the mediator or mediators, or the Executive Director of the Maine Labor Relations Board may make public the contents of the mediation report and the recommendations of the mediator or mediators.

Sec. 2. 26 MRSA § 965, sub-§ 2, ¶ G, is repealed.

Sec. 3. 26 MRSA § 965, sub-§ 3, as last amended by PL 1977, c. 696, § 204, is repealed.

Sec. 4. 26 MRSA § 965, sub-§ 4, first ¶, as amended by PL 1973, c. 458, § 6, is repealed and the following enacted in its place:

If the parties have not resolved their controversy by the end of the 30-day period, they may jointly agree to an arbitration procedure which will result in a binding determination of their controversy, except as to salaries, pensions and insurance. These determinations will be subject to review by the Superior Court in the manner specified by section 972.

Sec. 5. 26 MRSA § 965, sub-§ 4, 2nd ¶, as amended by PL 1969, c. 578, § 2-A, is repealed.

Sec. 6. 26 MRSA § 965, sub-§ 4, 3rd ¶, first sentence, is amended to read:

If they do not jointly agree to such an arbitration procedure within 10 days after the end of said ~~45-day~~ 30-day period, then either party may, by written notice to the other, request that their differences be submitted to a board of 3 arbitrators.

STATEMENT OF FACT

The purpose of this bill is to strengthen the mediation process and ensure good faith bargaining between local public employers and their employees. Through a strengthened dispute resolution process, impasse resulting from bad faith bargaining could be avoided.

This bill attempts to create a dispute resolution process that grants fair and equitable treatment to both local public employers and employees.