

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-609)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1095, L.D. 1345, Bill, "AN ACT to Amend the Municipal Public Employees Labor Relations Act."

Amend the bill by striking out everything after section 2 and inserting in its place the following:

Sec. 3. 26 MRSA §968, sub-§2, as last amended by PL 1977, c. 674, §24, is further amended by adding at the end the following new sentence:

The salary of the executive director shall be established by the board within salary range 86 and may be adjusted periodically by the board within the limits for salary review procedures established in Title 2, section 6, subsection 5.

Sec. 4. 26 MRSA §979-D, sub-§5, last sentence, as enacted by PL 1973, c. 774, is amended to read:

The services of the members of the State's Panel of Mediators ,to a maximum of 3 mediation days per case, and of the Maine Board of Arbitration and Conciliation are available to the parties without cost.

Sec. 5. 26 MRSa §1026, sub-§5, as enacted by PL 1975,
c. 603, §1, is amended to read:

5. Costs. The costs for the first 3 days of services of the panel of mediators shall be paid by the board. The following costs shall be shared equally by the parties to the proceedings: All costs for the panel of mediators not required to be paid by the board; the costs of the fact-finding board including, if any, per diem expenses and actual and necessary travel and subsistence expenses and the costs of the neutral arbitrator or arbitrators, including, if any, per diem expenses and actual and necessary travel and subsistence expenses; the costs of the Federal Mediation and Conciliation Service or the Association American Arbitration/Association; and the costs of hiring the fact-finding or premises where any/arbitration proceedings are conducted. All other costs shall be assumed by the party incurring them. The services of the Maine Board of Arbitration and Conciliation shall be available to the parties without costs.'

Statement of Fact

Sections 1 and 2 remain the same as they appeared in the bill.

Section 3 is required since the deletion of the executive director's title from Range 86 in Title 2, section 6, subsection would leave that job title without any specific compensation references in the Revised Statutes. The deletion of the executive director's job title accomplished in section 1 of the bill requires passage of this section in order to reinstitute the language similar to

that found in chapter 553 of the public laws of 1977 in Title 26, section 968, subsection 2. This section also enables the board to make periodic adjustments within salary range 86 of the director's salary in the same form and with the same guidelines as are applied to the Governor in reviewing compensation for those job titles which remain in Title 2, section 6. As annotated in L.D. 705 of the 108th Legislature, subsequently to become Chapter 553 of the Public Laws of 1977, the salary review of the executive director should be withdrawn from gubernatorial control since, with the advent of state employee collective bargaining, the executive director is required to make certain determinations and decisions with regard to state employees, for whom the Governor is the titular employer.

Title 26, section 979-D,
Section 4 clarifies the provisions of subsection 5, of the State

Employees Labor Relations Act by providing that the services of the State's Panel of Mediators are available, without cost, to the parties for a maximum of 3 mediation days per case. This amendment is required as the provisions pertaining thereto in the bill inadvertently omitted the name of the Maine Board of Arbitration and Conciliation. Enactment of this section will further clarify and establish the maximum number of mediation days the parties may utilize under the State Employees Labor Relations Act without incurring costs for which they become individually responsible. This language which limits the maximum number of mediation days the parties may have prior to incurring individual costs is consistent with existing provisions presently found in the Municipal Public Employees Labor Relations Act and the University of Maine Labor Relations Act.

Section 5 clarifies the manner of payment for impasse procedures under the University of Maine Labor Relations Act and makes the provisions therefor consistent with both the State Employees Labor Relations Act and the Municipal Public Employees Labor^{Relations} Act. This change results from the inadvertent omission of reference to payment of services rendered by fact finders in the University of Maine Labor Relations Act. This inadvertent omission resulted from fact finding being omitted from the original draft of the University of Maine Labor Relations Act and, subsequently, being reinserted during the legislative process. When this occurred, the engrossed legislation neglected to reflect the necessary changes to Title 26, section 1026, subsection 5, of the University of Maine Labor Relations Act resulting from the reinsertion of the fact-finding process to the impasse procedures provided therein.

Reported by the Majority of the Committee on Labor
Reproduced and distributed under the direction of the
Clerk of the House
6/2/79 (Filing No. H-609)