

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1463**

H. P. 1191

House of Representatives, March 26, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Tuttle of Sanford.

Cosponsors: Mr. Diamond of Windham, Mr. Kelleher of Bangor and Mr. Marshall of Millinocket.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Concerning Arbitration Involving Municipal Fire and Police  
Departments.**

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

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

**4-A. Arbitration of controversies involving municipal fire and police departments. Arbitration of controversies involving municipal fire and police departments, including controversies over salaries, pensions and insurance, shall be as provided in this subsection.**

**Following fact-finding as provided in subsection 3 and at the end of the 45-day period as provided in subsection 4, the parties may jointly agree to an arbitration procedure which will result in a binding determination of their controversy, including controversies over salaries, pensions and insurance. These determinations shall be subject to review by the Superior Court in the manner specified by section 972.**

**If the parties do not jointly agree to a mutually satisfactory arbitration procedure within 10 days of the expiration of the 45-day period, then either party may, by**

written notice to the other, request that their differences be submitted to a board of 3 arbitrators to be selected in the manner outlined in subsection 4. Resolution of the controversy, including controversies over salaries, pensions and insurance, by the arbitrators shall be by final offer arbitration. The procedure for such arbitration shall be as follows: As soon as possible after the selection of the neutral arbitrator, the 3 arbitrators or, if either party shall not have selected its arbitrator, the 2 arbitrators, as the case may be, shall meet with the parties or their representatives to schedule a hearing to be held within 14 days. At least 7 days prior to the scheduled hearing, each party shall submit in writing to the arbitrators its final offer on each of the items in controversy. After the hearing, each party shall have 4 days in which to submit in writing to the arbitrators amendments to its final offer on any or all of the items in controversy. A party's final offer on all items in controversy, as amended, shall be known as that party's "final offer package." The arbitrators, within 30 days of the expiration of the 4-day amendment period if reasonably possible, shall select by majority vote the final offer package of one of the parties. In arriving at their selection, the arbitrators shall be limited exclusively to evidence submitted by the parties on the following standards and shall select that final offer package 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.

The arbitrators shall give immediate written notice of their selection to the parties. The selection shall be binding on the parties and on the appropriate legislative body, subject to review by the Superior Court only in the manner specified by section 972.

#### STATEMENT OF FACT

This bill concerns arbitration of controversies involving municipal fire and police departments.