

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1322

S. P. 466

In Senate, March 17, 1981

Referred to the Committee on Agriculture. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator McBreairty of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Provide Final Offer Arbitration for Collective Bargaining in the Potato Industry.

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

13 MRSA § 1958-A is enacted to read:

§ 1958-A. Final offer arbitration for the potato industry

1. Purpose. The purpose of this section is to establish a system of final offer arbitration which may result in a contract for the sale of potatoes between a handler and a qualified association. This system is meant to encourage, and not to substitute for, the voluntary bargaining provided for elsewhere in the article.

2. Application; definition. This section applies only to bargaining for potatoes, subject to this article, by a handler and a qualified association. For purposes of this section, the term "party" means either a handler or a qualified association.

3. Notice; final negotiation; final offer.

A. Anytime after March 1st and before March 15th either party may notify the commissioner that it believes a contract will not be signed by both parties by March 15th.

B. All bargaining for potatoes subject to this article to be grown during the current year shall cease at midnight, March 15th.

C. Not later than March 20th, each party to bargaining terminated pursuant to paragraph B shall submit in writing to the commissioner their final offer, consisting at a minimum, of the following:

- (1) Identification of all items for a contract on which the parties agree, with a draft of that part of the contract setting forth this agreement;
- (2) Identification of all items on which there is disagreement, with each party's final offer, with a draft of that part of the contract setting forth this offer; and
- (3) Any other material the party wishes to submit.

The commissioner shall immediately give copies of the written final offer to the arbitrator selected pursuant to subsection 4.

4. Selection of arbitrator. Not later than March 15th, the commissioner or his representative shall meet with the parties. He shall present a list with the names of 5 proposed neutral arbitrators. Each party may strike from the list one name for cause and one name peremptorily. The parties shall strike names alternately and the party entitled to strike the first name shall be chosen by lot. The one name remaining after each party has struck 2 names shall be the arbitrator.

5. Powers of the arbitrator. The powers of the arbitrator are as follows.

A. The arbitrator may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence and issue subpoenas to compel the attendance of witnesses and the production of records. The arbitrator may petition a District Court to enforce its order compelling the attendance of witnesses and the production of records.

B. The arbitrator shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in this section.

C. Not later than April 1st, the arbitrator shall choose the final offer of one party. The contractual language for that offer, submitted pursuant to subsection 3, paragraph C, subparagraph (2), plus the language of subsection 3, paragraph C, subparagraph (1) shall be combined into a written proposed contract which shall be presented to the parties.

6. Effect of contract. The contract presented to the parties pursuant to subsection 5 shall not be binding on the parties. The parties may sign the contract prior to April 7th, after which they may not sign any contract subject to this article or bargain for potatoes subject to this article before June 15th.

7. Expenses. The expenses of the arbitrator shall be paid by the Department of Agriculture, Food and Rural Resources.

STATEMENT OF FACT

The purpose of this bill is to establish a procedure to facilitate negotiation of

contracts for the sale of potatoes under the Maine Agricultural Marketing and Bargaining Act.

Under this bill, if it appears to the parties negotiating for a potato contract that an agreement will not be reached by March 15th, either party may notify the Commissioner of Agriculture, Food and Rural Resources of that fact. If an agreement isn't reached by that date, all bargaining must stop. The parties then submit their final offer and select a neutral arbitrator from a list of names submitted by the commissioner. The arbitrator then chooses only one of the final offers and presents it to the parties not later than April 1st. The parties may sign the contract but are not compelled to do so. They may not sign any contract subject to the Act or bargain subject to the Act before June 1st.