

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)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 610

6
7 S.P. 187

In Senate, February 7, 1983

8 Referred to the Committee on Labor, sent down for concurrence and
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Hayes of Penobscot.

Cosponsors: Senator Baldacci of Penobscot and Representative Murray of
11 Bangor.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Revise the University of Maine
18 Arbitration Procedures.
19

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

22 Sec. 1. 26 MRSA §1026, sub-§4, ¶A, as amended by
23 PL 1975, c. 717, §7, is repealed and the following
24 enacted in its place:

25 A. In addition to the 30-day period referred to
26 in subsection 2, the parties shall have 15 more
27 days, making a total period of 45 days from the
28 submission of findings and recommendations, in
29 which to make a good faith effort to resolve
30 their controversy.

31 If the parties have not resolved their contro-
32 versy by the end of the 45-day period, they may
33 jointly agree to an arbitration procedure which

1 will result in a binding determination of their
2 controversy. The determinations shall be subject
3 to review by the Superior Court in the manner
4 specified by section 1033.

5 If they do not jointly agree to such an arbitra-
6 tion procedure within 10 days after the end of
7 the 45-day period, either party may, by written
8 notice to the other, request that their differ-
9 ences be submitted to a board of 3 arbitrators.
10 The bargaining agent and the public employer
11 shall, within 5 days of that request, each select
12 and name one arbitrator and shall immediately
13 notify each other in writing of the name and ad-
14 dress of the person selected. The 2 arbitrators
15 selected and named shall, within 10 days from
16 that request, agree upon and select and name a
17 neutral arbitrator. If either party does not
18 select its arbitrator or if the 2 arbitrators
19 fail to agree upon, select and name a neutral
20 arbitrator within the 10 days, either party may
21 request the American Arbitration Association to
22 utilize its procedures for the selection of the
23 neutral arbitrator. As soon as possible after
24 receipt of the request, the neutral arbitrator
25 shall be selected in accordance with rules and
26 procedures prescribed by the American Arbitration
27 Association for making that selection. The neu-
28 tral arbitrator selected shall not, without the
29 consent of both parties, be the same person who
30 was selected as mediator pursuant to subsection
31 2, nor any member of the fact-finding board se-
32 lected pursuant to subsection 3. As soon as pos-
33 sible after the selection of the neutral arbitra-
34 tor, the 3 arbitrators or if either party has not
35 selected its arbitrator, the 2 arbitrators, as
36 the case may be, shall meet with the parties or
37 their representatives, or both, forthwith, either
38 jointly or separately, make inquiries and inves-
39 tigations, hold hearings or take such other steps
40 as they deem appropriate. If the neutral arbi-
41 trator is selected by utilizing the procedures of
42 the American Arbitration Association, the arbi-
43 tration proceedings shall be conducted in accor-
44 dance with the rules and procedures of the Ameri-
45 can Arbitration Association. The hearing shall
46 be informal and the rules of evidence prevailing

1 in judicial proceedings shall not be binding.
2 Any and all documentary evidence and other data
3 deemed relevant by the arbitrators may be
4 received in evidence. The arbitrators may admin-
5 ister oaths and require by subpoena the attend-
6 ance and testimony of witnesses, the production
7 of books, records and other evidence relative or
8 pertinent to the issues represented to them for
9 determination.

10 If the controversy is not resolved by the par-
11 ties, the arbitrators shall proceed as follows.
12 With respect to a controversy over salaries, pen-
13 sions and insurance, the arbitrators shall recom-
14 mend terms of settlement and may make findings of
15 fact; the recommendations and findings shall be
16 advisory only and shall be made, if reasonably
17 possible, within 30 days after the selection of
18 the neutral arbitrator; the arbitrators may in
19 their discretion make the recommendations and
20 findings public if agreement is not reached with
21 respect to those findings and recommendations
22 within 10 days after their receipt from the arbi-
23 trators; with respect to a controversy over sub-
24 jects other than salaries, pensions and insur-
25 ance, the arbitrators shall make determinations
26 with respect thereto, if reasonably possible,
27 within 30 days after the selection of the neutral
28 arbitrator; the determinations may be made
29 public by the arbitrators or other party; and, if
30 made by a majority of the arbitrators, the deter-
31 minations shall be binding on both parties and
32 the parties shall enter an agreement or take
33 whatever other action that may be appropriate to
34 carry out and effectuate those binding determina-
35 tions; and that determination shall be subject to
36 review by the Superior Court in the manner speci-
37 fied by section 1033. The results of all arbi-
38 tration proceedings, recommendations and awards
39 conducted under this section shall be filed with
40 the Maine Labor Relations Board at the offices of
41 its executive director simultaneously with the
42 submission of the recommendations and award to
43 the parties. In the event that parties settle
44 their dispute during the arbitration proceeding,
45 the arbitrator or the chairman of the arbitration
46 panel shall submit a report of his activities to

