

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 761

6  
7 H.P. 613

House of Representatives, February 15, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Jalbert of Lewiston.

Cosponsor: Representative Beaulieu of Portland.

11  
12 STATE OF MAINE  
13

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

17 AN ACT to Include Salaries, Pensions and  
18 Insurance for Binding Arbitration under the  
19 Municipal Public Employees Labor  
20 Relations Law.  
21

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

24 26 MRSA §965, sub-§4, as amended by PL 1975, c.  
25 564, §18, is further amended to read:

26 4. Arbitration. In addition to the 30-day  
27 period referred to in subsection 3, the parties shall  
28 have 15 more days, making a total period of 45 days  
29 from the submission of findings and recommendations,  
30 in which to make a good faith effort to resolve their  
31 controversy.

32 If the parties have not resolved their controversy by  
33 the end of said 45-day period, they may jointly agree

1 to an arbitration procedure which will result in a  
2 binding determination of their controversy. Such  
3 determinations will be subject to review by the Super-  
4 rior Court in the manner specified by section 972.

5 If they do not jointly agree to such an arbitration  
6 procedure within 10 days after the end of said 45-day  
7 period, then either party may, by written notice to  
8 the other, request that their differences be submit-  
9 ted to a board of 3 arbitrators. The bargaining  
10 agent and the public employer shall within 5 days of  
11 such request each select and name one arbitrator and  
12 shall immediately thereafter notify each other in  
13 writing of the name and address of the person so se-  
14 lected. The 2 arbitrators so selected and named  
15 shall, within 10 days from such request, agree upon  
16 and select and name a neutral arbitrator. If either  
17 party shall not select its arbitrator or if the 2  
18 arbitrators shall fail to agree upon, select and name  
19 a neutral arbitrator within said 10 days, either  
20 party may request the American Arbitration Associa-  
21 tion to utilize its procedures for the selection of  
22 the neutral arbitrator. As soon as possible after  
23 receipt of such request, the neutral arbitrator will  
24 be selected in accordance with rules and procedures  
25 prescribed by the American Arbitration Association  
26 for making such selection. The neutral arbitrator so  
27 selected will not, without the consent of both par-  
28 ties, be the same person who was selected as mediator  
29 pursuant to subsection 2 nor any member of the fact-  
30 finding board selected pursuant to subsection 3. As  
31 soon as possible after the selection of the neutral  
32 arbitrator, the 3 arbitrators or, if either party  
33 shall not have selected its arbitrator, the 2 arbi-  
34 trators, as the case may be, shall meet with the par-  
35 ties or their representatives, or both, forthwith,  
36 either jointly or separately, make inquiries and  
37 investigations, hold hearings, or take such other  
38 steps as they deem appropriate. If the neutral arbi-  
39 trator is selected by utilizing the procedures of the  
40 American Arbitration Association, the arbitration  
41 proceedings will be conducted in accordance with the  
42 rules and procedures of the American Arbitration  
43 Association. The hearing shall be informal, and the  
44 rules of evidence prevailing in judicial proceedings  
45 shall not be binding. Any and all documentary evi-  
46 dence and other data deemed relevant by the arbitra-

1 tors may be received in evidence. The arbitrators  
2 shall have the power to administer oaths and to re-  
3 quire by subpoena the attendance and testimony of  
4 witnesses, the production of books, records and other  
5 evidence relative or pertinent to the issues repre-  
6 sented to them for determination.

7 If the controversy is not resolved by the parties  
8 themselves, the arbitrators shall proceed as follows:  
9 With respect to a controversy over salaries, pensions  
10 and insurance, the arbitrators will recommend terms  
11 of settlement and may make findings of fact, such  
12 recommendations and findings will be advisory only  
13 and will be made, if reasonably possible, within 30  
14 days after the selection of the neutral arbitrator,  
15 the arbitrators may in their discretion, make such  
16 recommendations and findings public, and either party  
17 may make such recommendations and findings public if  
18 agreement is not reached with respect to such find-  
19 ings and recommendations within 10 days after their  
20 receipt from the arbitrators, with respect to a con-  
21 troversy over subjects other than salaries, pensions  
22 and insurance, the arbitrators shall make determina-  
23 tions with respect thereto if reasonably possible  
24 within 30 days after the selection of the neutral  
25 arbitrator, such determinations may be made public by  
26 the arbitrators or either party, and if made by a  
27 majority of the arbitrators, such determinations will  
28 be binding on both parties and the parties will enter  
29 an agreement or take whatever other action that may  
30 be appropriate to carry out and effectuate such bind-  
31 ing determinations, and such determinations will be  
32 subject to review by the Superior Court in the manner  
33 specified by section 972. If the controversy is not  
34 resolved by the parties themselves, the arbitrators  
35 shall proceed as follows: With respect to a contro-  
36 versy over salaries, pensions, insurance and other  
37 subjects, the arbitrators shall make determinations  
38 with respect thereto, if reasonably possible, within  
39 30 days after the selection of the neutral arbitra-  
40 tor; these determinations may be made public by the  
41 arbitrators or either party; and if made by a major-  
42 ity of the arbitrators, these determinations shall be  
43 binding on both parties and the parties shall enter  
44 an agreement or take whatever other action that may  
45 be appropriate to carry out and effectuate these  
46 binding determinations, not including strike, work

1 stoppage or slow down or any other related activity  
2 in contravention of the agreement, and these determi-  
3 nations shall be subject to review by the Superior  
4 Court in the manner specified by section 972. The  
5 results of all arbitration proceedings, recommenda-  
6 tions and awards conducted under this section shall  
7 be filed with the Maine Labor Relations Board at the  
8 offices of its executive director simultaneously with  
9 the submission of the recommendations and award to  
10 the parties. In the event the parties settle their  
11 dispute during the arbitration proceeding, the arbi-  
12 trator or the chairman of the arbitration panel will  
13 submit a report of his activities to the Executive  
14 Director of the Maine Labor Relations Board not more  
15 than 5 days after the arbitration proceeding has  
16 terminated.

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#### STATEMENT OF FACT

18 The purpose of this bill is to include salaries,  
19 pensions and insurance among those subjects for bind-  
20 ing determination by arbitrators under the Municipal  
21 Public Employees Labor Relations Law.

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