

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 267, L.D. 812,
Bill, "AN ACT to Provide for the Negotiation of Union
Security Provisions."

Amend the Bill by inserting at the beginning of
the first lines after the enacting clause the follow-
ing: 'Sec. 1.'

Further amend the Bill by inserting at the end
before the statement of fact the following:

'Sec. 2. 26 MRSA §965, sub-§4, as amended by PL
1975, c. 564, §18, is further amended to read:

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

If the parties have not resolved their controversy by
the end of said 45-day period, they may jointly agree
to an arbitration procedure which will result in a
binding determination of their controversy. Such
determinations will be subject to review by the Super-
ior Court in the manner specified by section 972.

If they do not jointly agree to such an arbitration
procedure within 10 days after the end of said 45-day
period, then either party may, by written notice to
the other, request that their differences be submit-
ted to a board of 3 arbitrators. The bargaining
agent and the public employer shall within 5 days of
such request each select and name one arbitrator and
shall immediately thereafter notify each other in

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1 writing of the name and address of the person so se-
2 lected. The 2 arbitrators so selected and named
3 shall, within 10 days from such request, agree upon
4 and select and name a neutral arbitrator. If either
5 party shall not select its arbitrator or if the 2
6 arbitrators shall fail to agree upon, select and name
7 a neutral arbitrator within said 10 days, either
8 party may request the American Arbitration Associa-
9 tion to utilize its procedures for the selection of
10 the neutral arbitrator. As soon as possible after
11 receipt of such request, the neutral arbitrator will
12 be selected in accordance with rules and procedures
13 prescribed by the American Arbitration Association
14 for making such selection. The neutral arbitrator so
15 selected will not, without the consent of both par-
16 ties, be the same person who was selected as mediator
17 pursuant to subsection 2 nor any member of the fact-
18 finding board selected pursuant to subsection 3. As
19 soon as possible after the selection of the neutral
20 arbitrator, the 3 arbitrators or if either party
21 shall not have selected its arbitrator, the 2 arbi-
22 trators, as the case may be, shall meet with the par-
23 ties or their representatives, or both, forthwith,
24 either jointly or separately, make inquiries and
25 investigations, hold hearings, or take such other
26 steps as they deem appropriate. If the neutral arbi-
27 trator is selected by utilizing the procedures of the
28 American Arbitration Association, the arbitration
29 proceedings will be conducted in accordance with the
30 rules and procedures of the American Arbitration
31 Association. The hearing shall be informal, and the
32 rules of evidence prevailing in judicial proceedings
33 shall not be binding. Any and all documentary evi-
34 dence and other data deemed relevant by the arbitra-
35 tors may be received in evidence. The arbitrators
36 shall have the power to administer oaths and to re-
37 quire by subpoena the attendance and testimony of
38 witnesses, the production of books, records and other
39 evidence relative or pertinent to the issues repre-
40 sented to them for determination.

41 If the controversy is not resolved by the parties

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1 themselves, the arbitrators shall proceed as follows:
2 With respect to a controversy over salaries, pen-
3 sions, union security and insurance, the arbitrators
4 will recommend terms of settlement and may make find-
5 ings of fact; such recommendations and findings will
6 be advisory only and will be made, if reasonably pos-
7 sible, within 30 days after the selection of the neu-
8 tral arbitrator; the arbitrators may in their discre-
9 tion, make such recommendations and findings public,
10 and either party may make such recommendations and
11 findings public if agreement is not reached with
12 respect to such findings and recommendations within
13 10 days after their receipt from the arbitrators;
14 with respect to a controversy over subjects other
15 than salaries, pensions, union security and insur-
16 ance, the arbitrators shall make determinations with
17 respect thereto if reasonably possible within 30 days
18 after the selection of the neutral arbitrator; such
19 determinations may be made public by the arbitrators
20 or either party; and if made by a majority of the
21 arbitrators, such determinations will be binding on
22 both parties and the parties will enter an agreement
23 or take whatever other action that may be appropriate
24 to carry out and effectuate such binding determina-
25 tions; and such determinations will be subject to
26 review by the Superior Court in the manner specified
27 by section 972. The results of all arbitration pro-
28 ceedings, recommendations and awards conducted under
29 this section shall be filed with the Maine Labor
30 Relations Board at the offices of its executive
31 director simultaneously with the submission of the
32 recommendations and award to the parties. In the
33 event the parties settle their dispute during the
34 arbitration proceeding, the arbitrator or the chair-
35 man of the arbitration panel will submit a report of
36 his activities to the Executive Director of the Maine
37 Labor Relations Board not more than 5 days after the
38 arbitration proceeding has terminated.'

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STATEMENT OF FACT

2 The purpose of this amendment is to restrict the
3 authority of arbitrators to insert union security
4 provisions into collective bargaining agreements
5 between municipal and school employers and their
6 employees.

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Filed by Rep. Zirnkilton of Mount Desert
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House
4/7/83 (Filing No. H-123)