

MAINE STATE LEGISLATURE

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L.D. 2492

(Filing No. H- 760)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
THIRD SPECIAL SESSION

HOUSE AMENDMENT "H" to H.P. 1895, L.D. 2492,
Bill, "AN ACT to Implement the Recommendations of the
Commission on the Status of Education in Maine."

Amend the bill by striking out all of PART J and
inserting in its place the following:

'PART J

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 de-
terminations will be subject to review by the Superi-
or 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
writing of the name and address of the person so se-
lected. The 2 arbitrators so selected and named

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1 shall, within 10 days from such request, agree upon
2 and select and name a neutral arbitrator. If either
3 party shall not select its arbitrator or if the 2 ar-
4 bitrators shall fail to agree upon, select and name a
5 neutral arbitrator within said 10 days, either party
6 may request the American Arbitration Association to
7 utilize its procedures for the selection of the neu-
8 tral arbitrator. As soon as possible after receipt of
9 such request, the neutral arbitrator will be selected
10 in accordance with rules and procedures prescribed by
11 the American Arbitration Association for making such
12 selection. The neutral arbitrator so selected will
13 not, without the consent of both parties, be the same
14 person who was selected as mediator pursuant to sub-
15 section 2 nor any member of the fact-finding board
16 selected pursuant to subsection 3. As soon as possi-
17 ble after the selection of the neutral arbitrator,
18 the 3 arbitrators or if either party shall not have
19 selected its arbitrator, the 2 arbitrators, as the
20 case may be, shall meet with the parties or their
21 representatives, or both, forthwith, either jointly
22 or separately, make inquiries and investigations,
23 hold hearings, or take such other steps as they deem
24 appropriate. If the neutral arbitrator is selected by
25 utilizing the procedures of the American Arbitration
26 Association, the arbitration proceedings will be con-
27 ducted in accordance with the rules and procedures of
28 the American Arbitration Association. The hearing
29 shall be informal, and the rules of evidence prevail-
30 ing in judicial proceedings shall not be binding.
31 Any and all documentary evidence and other data
32 deemed relevant by the arbitrators may be received in
33 evidence. The arbitrators shall have the power to ad-
34 minister oaths and to require by subpoena the attend-
35 ance and testimony of witnesses, the production of
36 books, records and other evidence relative or perti-
37 nent to the issues represented to them for determina-
38 tion.

39 If the controversy is not resolved by the parties
40 themselves, the arbitrators shall proceed as follows:
41 With respect to a controversy over salaries, pensions

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1 and insurance, the arbitrators will recommend terms
2 of settlement and may make findings of fact; such
3 recommendations and findings will be advisory only
4 ,except in the case of arbitration involving teach-
5 ers, and will be made, if reasonably possible, within
6 30 days after the selection of the neutral arbitra-
7 tor; the arbitrators may in their discretion, make
8 such recommendations and findings public, and either
9 party may make such recommendations and findings pub-
10 lic if agreement is not reached with respect to such
11 findings and recommendations within 10 days after
12 their receipt from the arbitrators; with respect to a
13 controversy over subjects other than salaries, pen-
14 sions and insurance, and including salaries, pensions
15 and insurance in cases involving teachers, the arbi-
16 trators shall make determinations with respect there-
17 to if reasonably possible within 30 days after the
18 selection of the neutral arbitrator; such determina-
19 tions may be made public by the arbitrators or either
20 party; and if made by a majority of the arbitrators,
21 such determinations will be binding on both parties
22 and the parties will enter an agreement or take what-
23 ever other action that may be appropriate to carry
24 out and effectuate such binding determinations; and
25 such determinations will be subject to review by the
26 Superior Court in the manner specified by section
27 972. The results of all arbitration proceedings,
28 recommendations and awards conducted under this sec-
29 tion shall be filed with the Maine Labor Relations
30 Board at the offices of its executive director simul-
31 taneously with the submission of the recommendations
32 and award to the parties. In the event the parties
33 settle their dispute during the arbitration proceed-
34 ing, the arbitrator or the chairman of the arbitra-
35 tion panel will submit a report of his activities to
36 the Executive Director of the Maine Labor Relations
37 Board not more than 5 days after the arbitration pro-
38 ceeding has terminated.'

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STATEMENT OF FACT

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This amendment removes the Part of the bill providing teacher recognition grants and mandates binding arbitration in contract disputes between teachers and administrative units on money issues.

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Filed by Rep. Michaud of E. Millinocket
Reproduced and distributed under the direction of the Clerk
of the House
9/10/84 (Filing No. H-760)