

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 283

S.P. 110

In Senate, February 9, 1987

Reference to the Committee on Labor suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator GAUVREAU of Androscoggin.

Cosponsored by Representative PARADIS of Frenchville,  
Senator ANDREWS of Cumberland.

STATE OF MAINE

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

AN ACT to Alter the Appointment of Fact  
Finders by the Maine Labor Relations  
Board.

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

26 MRSA §965, sub-§3, ¶B, as repealed and replaced by PL 1975, c. 564, §17, is repealed and the following enacted in its place:

B. If the parties do not jointly agree to call upon the Maine Labor Relations Board or to pursue some other procedure, either party to the controversy may request the executive director to assign a neutral fact finder to a fact-finding panel. If so requested, the executive director shall appoint a neutral fact finder. The parties in

1 interest shall each appoint an interested fact  
2 finder to represent their respective party. The  
3 neutral fact finder shall chair the fact-finding  
4 panel. Each party shall share equally in all  
5 fees and expenses incurred by the neutral fact  
6 finder and shall be responsible for all fees and  
7 expenses incurred by their respective interest  
8 fact finder. The fact-finding panel, ordinarily  
9 of 3 members, shall be appointed in accordance  
10 with rules and procedures prescribed by the board  
11 for making such appointments. The neutral fact  
12 finder shall be appointed from a list maintained  
13 by the board and drawn up after consultation with  
14 representatives of state and local government ad-  
15 ministrators, agencies with industrial relations  
16 and personnel functions and representatives of  
17 employee organizations and of employers. Any per-  
18 son who has actively participated as the mediator  
19 in the immediate proceedings for which fact-  
20 finding has been called shall not sit as the neu-  
21 tral fact finder. The panel shall hear the con-  
22 tending parties to the controversy. It may re-  
23 quest statistical data and reports on its own  
24 initiative in addition to the data regularly  
25 maintained by the Bureau of Labor Standards, and  
26 may administer oaths and require by subpoena the  
27 attendance and testimony of witnesses, the pro-  
28 duction of books, records and other evidence re-  
29 lative or pertinent to the issues represented to  
30 them. The members of the fact-finding panel shall  
31 submit their findings and recommendations only to  
32 the parties and to the Executive Director of the  
33 Maine Labor Relations Board.

34 STATEMENT OF FACT

35 This bill will provide for each party in fact-  
36 finding to appoint its own interest fact finder and  
37 for the Executive Director of the Maine Labor Rela-  
38 tions Board to appoint the neutral fact finder.

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