

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 337

S.P. 132

In Senate, February 11, 1987

Reference to the Committee on Labor suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator BUSTIN of Kennebec.
Cosponsored by Representative CLARK of Millinocket.

STATE OF MAINE

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

AN ACT to Amend the Municipal Employees
Labor Relations Law.

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

6 26 MRSA §965, sub-§4, as amended by PL 1975, c.
7 564, §18, is further amended to read:

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

14 If the parties have not resolved their controversy by
15 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 de-
3 terminations will be subject to review by the Superi-
4 or 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 ar-
18 bitrators shall fail to agree upon, select and name a
19 neutral arbitrator within said 10 days, either party
20 may request the American Arbitration Association to
21 utilize its procedures for the selection of the neu-
22 tral arbitrator. As soon as possible after receipt of
23 such request, the neutral arbitrator will be selected
24 in accordance with rules and procedures prescribed by
25 the American Arbitration Association for making such
26 selection. The neutral arbitrator so selected will
27 not, without the consent of both parties, be the same
28 person who was selected as mediator pursuant to sub-
29 section 2 nor any member of the fact-finding board
30 selected pursuant to subsection 3. As soon as possi-
31 ble after the selection of the neutral arbitrator,
32 the 3 arbitrators or if either party shall not have
33 selected its arbitrator, the 2 arbitrators, as the
34 case may be, shall meet with the parties or their
35 representatives, or both, forthwith, either jointly
36 or separately, make inquiries and investigations,
37 hold hearings, or take such other steps as they deem
38 appropriate. If the neutral arbitrator is selected by
39 utilizing the procedures of the American Arbitration
40 Association, the arbitration proceedings will be con-
41 ducted in accordance with the rules and procedures of
42 the American Arbitration Association. The hearing
43 shall be informal, and the rules of evidence prevail-
44 ing in judicial proceedings shall not be binding.
45 Any and all documentary evidence and other data
46 deemed relevant by the arbitrators may be received in

1 evidence. The arbitrators shall have the power to ad-
2 minister oaths and to require by subpoena the attend-
3 ance and testimony of witnesses, the production of
4 books, records and other evidence relative or perti-
5 nent to the issues represented to them for determina-
6 tion.

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
21 controversy all controversies over all subjects other
22 than salaries, pensions and insurance, the arbitra-
23 tors shall make determinations with respect thereto
24 if reasonably possible within 30 days after the se-
25 lection of the neutral arbitrator; such determina-
26 tions may be made public by the arbitrators or either
27 party; and if made by a majority of the arbitrators,
28 such determinations will be binding on both parties
29 and the parties will enter an agreement or take what-
30 ever other action that may be appropriate to carry
31 out and effectuate such binding determinations; and
32 such determinations will be subject to review by the
33 Superior Court in the manner specified by section
34 972. The results of all arbitration proceedings,
35 recommendations and awards conducted under this sec-
36 tion shall be filed with the Maine Labor Relations
37 Board at the offices of its executive director simul-
38 taneously with the submission of the recommendations
39 and award to the parties. In the event the parties
40 settle their dispute during the arbitration proceed-
41 ing, the arbitrator or the chairman of the arbitra-
42 tion panel will submit a report of his activities to
43 the Executive Director of the Maine Labor Relations
44 Board not more than 5 days after the arbitration pro-
45 ceeding has terminated.

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STATEMENT OF FACT

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This bill permits arbitration to be binding on
3 all issues in municipal collective bargaining.

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