

MAINE STATE LEGISLATURE

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L.D. 912

(Filing No. H- 107)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 679, L.D. 912,
Bill, "AN ACT Regarding the Maine Agricultural Mar-
keting and Bargaining Act of 1973."

Amend the Bill in section 6 by striking out all
of the first 2 lines (page 3, lines 27 and 28 in
L.D.) and inserting in their place the following:

'Sec. 6. 13 MRSA §1956, sub-§§7 and 8 are en-
acted to read:'

Further amend the Bill in section 6 by inserting
after subsection 7 the following:

'8. Annual report. The board shall issue an annual report to the Commissioner of Agriculture, Food and Rural Resources and to the joint standing committee of the Legislature having jurisdiction over agriculture on or before January 15th of each year regarding the operation of this subchapter. This annual report shall take into consideration the following issues as the Maine Agricultural Bargaining Board reviews the effectiveness of the Maine Agricultural Marketing and Bargaining Act of 1973:

- A. Unfair practices;
- B. Qualification of grower associations;
- C. Funding of the Maine Agricultural Bargaining Board;
- D. Investigation and hearing procedures;
- E. Any other issues relating to this subchapter;
and

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1 F. Any recommended changes to this subchapter.'

2 Further amend the Bill in section 7 by striking
3 out all of paragraph D and inserting in its place the
4 following:

5 'D. The association, except for an association
6 of blueberry producers, represents 51% of the
7 producers and or produced at least 1/2 of the
8 volume of a particular agricultural product for
9 the with a specific handler involved with for
10 those producers and that agricultural product
11 during the previous 12 months, not including any
12 volume produced by the handler, its subsidiaries,
13 agents or employees or procured by the handler
14 from sources other than producers; for the pur-
15 poses of this article, members of farmer coopera-
16 tives shall be counted as individual farmer mem-
17 bers; in the case of an association of blueberry
18 producers, the association represents 51% of the
19 producers and produced at least 1/2 of the volume
20 of a particular agricultural product with a spe-
21 specific handler involved with those producers and
22 that agricultural product during the previous 12
23 months; if the board has reasonable cause to
24 question request such representation, the board
25 shall require a secret ballot election to certify
26 the percentage of representation; and'

27 Further amend the Bill in section 10 in subsec-
28 tion 1 by striking out all of the last underlined
29 sentence (page 5, lines 21 to 24 in L.D.) and insert-
30 ing in its place the following: 'The obligation to
31 bargain continues until the commencement of required
32 mediation, as provided in section 1958-B, subsection
33 2.'

34 Further amend the Bill in section 15 in that part
35 designated "§1958-B." in subsection 1 in the last
36 line by inserting after the underlined word "days"
37 the following: 'for annual crops; all other commodi-
38 ties shall last no more than 5 days. Mediation may be

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1 extended by mutual agreement by the bargaining
2 parties'

3 Further amend the Bill in section 15 in that part
4 designated "§1958-B." in subsection 2 in the 13th
5 line (page 7, line 1, in L.D.) by inserting after the
6 underlined figure and word "3 days" the following:
7 'for annual crops; all other commodities shall last
8 no more than 5 days'

9 Further amend the Bill in section 15 in that part
10 designated "§1958-B." in subsection 2 in the 14th
11 line (page 7, line 2 in L.D.) by inserting after the
12 underlined word and punctuation "possible." the fol-
13 lowing: 'Mediation may be extended by mutual agree-
14 ment by the bargaining parties.'

15 Further amend the Bill in section 15 in that part
16 designated "§1958-B." in subsection 2 in the 15th
17 line (page 7, line 3 in L.D.) by striking out the un-
18 derlined figure and word "3 days" and inserting in
19 their place the underlined words 'mediation period'

20 Further amend the Bill in section 15 in that part
21 designated "§1958-B." in subsection 5 by striking out
22 all of paragraph A and inserting in its place the
23 following:

24 'A. As to all matters submitted to arbitration,
25 the arbitrator shall choose between the final of-
26 fers of the parties. If the parties reach an
27 agreement on the matters under arbitration before
28 the arbitrator issues his decision, they may sub-
29 mit a joint final offer which the arbitrator
30 shall accept and render as his decision. The ar-
31 bitrator may hold hearings and administer oaths,
32 examine witnesses and documents, take testimony
33 and receive evidence and issue subpoenas to com-
34 pel the attendance of witnesses and the produc-
35 tion of records. A person who fails to obey the
36 subpoena of an arbitrator may be punished for
37 contempt of court on application by the arbitra-

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1 tor to the Superior Court for the county in which
2 the failure occurs. The arbitrator may utilize
3 other information in addition to that provided by
4 or elicited from the parties. The arbitrator
5 shall issue a decision within 10 days of the com-
6 mencement of arbitration and that decision shall
7 be binding on the parties.'

8 Further amend the Bill in section 18 in subsec-
9 tion 5 in the 5th line (page 10, line 26 in L.D.) by
10 striking out the underlined figure "\$10,000" and in-
11 serting in its place the underlined figure '\$5,000'

12 Further amend the Bill in section 23 by striking
13 out all of the first 2 lines (page 11, lines 10 and
14 11 in L.D.) and inserting in their place the follow-
15 ing:

16 'Sec. 23. 13 MRS §1965, sub-§1, 1A, as enacted
17 by PL 1973, c. 621, §1, is amended to read:'

18 Further amend the Bill in section 23 by striking
19 out all of paragraph B.

20 STATEMENT OF FACT

21 This amendment requires the Maine Agricultural
22 Bargaining Board to submit an annual report to the
23 Commissioner of Agriculture, Food and Rural Resources
24 and to the Legislature regarding the operation of the
25 Maine Agricultural Marketing and Bargaining Act of
26 1973.

27 This amendment allows informal negotiations be-
28 tween parties while they are participating in the me-
29 diation or the arbitration process. The amendment al-
30 lows the submission by both parties of a mutually
31 agreed upon final offer after each party has submit-
32 ted its own final offer to the arbitrator and further
33 directs the arbitrator to render the joint final of-

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1 fer as his decision. This approach has successfully
2 encouraged negotiated settlements in Michigan. The
3 amendment also extends the allowable period for vol-
4 untary and required mediation from 3 to 5 days and
5 reduces the maximum penalty for violations from
6 \$10,000 to \$5,000.

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Reported by the Majority of the Committee on Agriculture
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5/8/87

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