

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1170, L.D. 1624, Bill, "An Act to Amend the Agricultural Marketing and Bargaining Law"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the planting of a significant portion of the potato crop has been disrupted because of a breakdown in negotiations between processors and producers; and

Whereas, economic hardship may occur within the potato industry and all of northern Maine unless the current situation is resolved; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 13 MRSA §1958-B, sub-§5, ¶¶A and B, as enacted by PL 1987, c. 155, §15, are amended to read:

A. As to all matters submitted to arbitration, the arbitrator shall choose between the final offers of the parties. If the parties reach an agreement on the matters under arbitration before the arbitrator issues his a decision, they may submit a joint final offer which the arbitrator shall accept and render as his the decision. The arbitrator may hold hearings and administer oaths, examine

1 witnesses and documents, take testimony and receive evidence
2 and issue subpoenas to compel the attendance of witnesses
3 and the production of records. A person who fails to obey
4 the subpoena of an arbitrator may be punished for contempt
5 of court on application by the arbitrator to the Superior
6 Court for the county in which the failure occurs. The
7 arbitrator may utilize other information in addition to that
8 provided by or elicited from the parties. The arbitrator
9 shall issue a decision within 10 days of the commencement of
10 arbitration and that decision shall be binding on the
11 parties. If the parties reach an agreement on the matters
12 in the arbitrator's decision prior to signing the contract,
13 they may submit a joint final offer to the arbitrator. The
14 arbitrator shall rescind the previous decision and accept
15 and render the joint final offer as the decision.

16
17 B. Within 2 5 days of the arbitrator's decision, the board
18 shall prepare a contract which shall include all terms
19 agreed to by the parties in bargaining or settled by
20 voluntary or required mediation or by arbitration and shall
21 present the contract to the parties, who shall sign the
22 contract within 2 days of its presentation. After the
23 parties have signed the contract, the terms of the contract
24 may be modified by mutual agreement of the parties. A copy
25 of any contract modified under this paragraph shall be filed
26 with the board.

27
28 **Sec. 2. Sunset provision.** This Act is repealed on January 1,
29 1990.

30
31 **Emergency clause.** In view of the emergency cited in the
32 preamble, this Act shall take effect when approved.'
33

34
35 **STATEMENT OF FACT**

36
37 This amendment replaces the original bill and amends
38 existing law to allow negotiation between parties subject to the
39 Maine Agricultural Marketing and Bargaining Act of 1973 after an
40 arbitrator has reached a decision. The amendment will take
41 effect when approved.

Reported by the Committee on Agriculture
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