

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2178

H.P. 1545

House of Representatives, January 21, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HANDY of Lewiston.

Cosponsored by Representative JOSEPH of Waterville, Representative PARADIS of Frenchville and Representative RUHLIN of Brewer.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Require Tentative Agreements to Be Considered a Part of the
Arbitration Panel's Binding Recommendations.**



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

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4 26 MRSA §965, sub-§4, as amended by PL 1975, c. 564, §18, is further amended by amending the 4th paragraph to read:

6 If the controversy is not resolved by the parties themselves, the
8 arbitrators shall proceed as follows: With respect to a
10 controversy over salaries, pensions and insurance, the
12 arbitrators ~~will~~ shall recommend terms of settlement and may make
14 findings of fact; ~~such~~ recommendations and findings ~~will be~~ are
16 advisory only and ~~will~~ must be made, if reasonably possible,
18 within 30 days after the selection of the neutral arbitrator;
20 ~~the.~~ The arbitrators may in their discretion, make ~~such~~ their
22 recommendations and findings public, and either party may make
24 ~~such~~ those recommendations and findings public if agreement is
26 not reached with respect to ~~such~~ those findings and
28 recommendations within 10 days after their receipt from the
30 arbitrators; ~~with.~~ With respect to a controversy over subjects
32 other than salaries, pensions and insurance, the arbitrators
34 shall make their determinations ~~with--respect--thereto~~ if
36 reasonably possible within 30 days after the selection of the
38 neutral arbitrator; ~~such~~ determinations may be made public by the
40 arbitrators or either party; ~~and--if.~~ Any determination made by a
42 majority of the arbitrators, ~~such--determinations--will--be~~ is
44 binding on both parties and the parties ~~will~~ shall enter an
46 agreement or take whatever ~~other~~ action that may be appropriate
 to carry out and effectuate ~~such~~ those binding determinations;
 ~~and--such.~~ Tentative agreements on any issue arrived at
 voluntarily that are submitted to the arbitrators as a part of
 the controversy must be made part of the arbitration panel's
 findings and recommendations in the form tentatively agreed to
 and are binding on the parties. The parties shall enter an
 agreement or take whatever action may be appropriate to carry out
 and effectuate those binding determinations. All binding
 determinations will be are subject to review by the Superior
 Court in the manner specified by section 972. The results of all
 arbitration proceedings, recommendations and awards conducted
 under this section shall must be filed with the Maine Labor
 Relations Board at the offices of its executive director
 simultaneously with the submission of the recommendations and
 award to the parties. In the event the parties settle their
 dispute during the arbitration proceeding, the arbitrator or the
 ~~chairman~~ chair of the arbitration panel ~~will~~ must submit a report
 of ~~his~~ the activities of the arbitrator or the arbitration panel
 to the Executive Director of the Maine Labor Relations Board not
 more than 5 days after the arbitration proceeding has terminated.

2

STATEMENT OF FACT

4 This bill amends the Municipal Public Employees Labor
6 binding determinations any tentative agreements negotiated by the
parties.