

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 317

S.P. 116

In Senate, February 4, 1993

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

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HANDY of Androscoggin.
Cosponsored by Representative RUHLIN of Brewer and
Senator: PARADIS of Aroostook, Representatives: AHEARNE of Madawaska, MORRISON of
Bangor, OLIVER of Portland.

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

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STATEMENT OF FACT

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This bill amends the Municipal Public Employees Labor Relations Law to require the arbitration panel to include in its binding determinations any tentative agreements negotiated by the parties.

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