

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

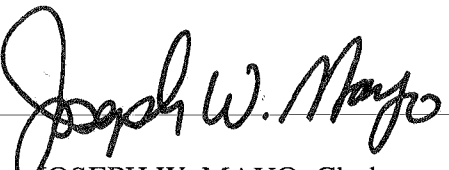
No. 1448

H.P. 1031

House of Representatives, March 11, 1997

**An Act to Provide for Binding Arbitration for County Employees with
Respect to Monetary Issues.**

Reference to the Committee on Labor suggested and ordered printed.



JOSEPH W. MAYO, Clerk

Presented by Representative MUSE of South Portland.
Cosponsored by Representatives: BUNKER of Kossuth Township, FRECHETTE of
Biddeford, POVICH of Ellsworth, SHIAH of Bowdoinham, WHEELER of Eliot, WRIGHT of
Berwick.

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

2
4 **Sec. 1. 26 MRSA §965, sub-§4**, as amended by PL 1975, c. 564,
§18, is further amended to read:

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

12 If the parties have not resolved their controversy by the end of
14 said the 45-day period, they may jointly agree to an arbitration
procedure which that will result in a binding determination of
16 their controversy. Such determinations ~~will--be~~ are subject to
review by the Superior Court in the manner specified by section
18 972.

20 If they do not jointly agree to such an arbitration procedure
within 10 days after the end of said the 45-day period, then
22 either party may, by written notice to the other, request that
their differences be submitted to a board of 3 arbitrators. The
24 bargaining agent and the public employer shall within 5 days of
such the request each select and name one arbitrator and shall
26 immediately thereafter notify each other in writing of the name
and address of the person so selected. The 2 arbitrators so
28 selected and named shall, within 10 days from such request, agree
upon and select and name a neutral arbitrator. If either party
30 shall does not select its arbitrator or if the 2 arbitrators
shall fail to agree upon, select and name a neutral arbitrator
32 within said the 10 days, either party may request the American
Arbitration Association to utilize its procedures for the
34 selection of the neutral arbitrator. As soon as possible after
receipt of such request, the neutral arbitrator ~~will~~ must be
36 selected in accordance with rules and procedures prescribed by
the American Arbitration Association for making such selection.
38 The neutral arbitrator so selected ~~will~~ may not, without the
consent of both parties, be the same person who was selected as
40 mediator pursuant to subsection 2 nor any member of the
fact-finding board selected pursuant to subsection 3. As soon as
42 possible after the selection of the neutral arbitrator, the 3
arbitrators or if either party shall has not have selected its
44 arbitrator, the 2 arbitrators, as the case may be, shall meet
with the parties or their representatives, or both, forthwith,
46 either jointly or separately, make inquiries and investigations,
hold hearings, or take such other steps as they deem
48 appropriate. If the neutral arbitrator is selected by utilizing
the procedures of the American Arbitration Association, the
50 arbitration proceedings ~~will~~ must be conducted in accordance with
the rules and procedures of the American Arbitration

2 Association. The hearing shall must be informal, and the rules
4 of evidence prevailing in judicial proceedings shall are not be
6 binding. Any and all documentary evidence and other data deemed
8 relevant by the arbitrators may be received in evidence. The
arbitrators shall have the power to administer oaths and to
require by subpoena the attendance and testimony of witnesses,
the production of books, records and other evidence relative or
pertinent to the issues represented to them for determination.

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

44 SUMMARY

46 This bill makes arbitration by county employees binding with
48 respect to monetary matters as well as all other matters.