

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 702

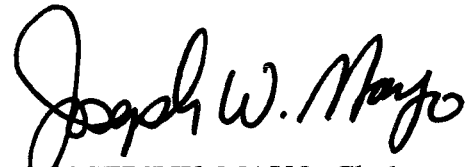
H.P. 495

House of Representatives, January 26, 1999

**An Act to Revise the Fact-finding Process under the Public Employees  
Labor Relations Laws.**

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Reference to the Committee on Labor suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative MARTIN of Eagle Lake.

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

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**Sec. 1. 26 MRSA §965, sub-§3, ¶B,** as corrected by RR 1995, c. 2, §61, is amended to read:

B. If the parties do not jointly agree to call upon the Maine Labor Relations Board or to pursue some other procedure, either party to the controversy may request the executive director to assign a fact-finding panel. If so requested, the executive director shall appoint a fact-finding panel, ordinarily of 3 members, in accordance with rules and procedures prescribed by the board for making the appointment. The fact-finding panel shall must be appointed from a list maintained by the board and drawn up after consultation with representatives of state and local government administrators, agencies with industrial relations and personnel functions and representatives of employee organizations and of employers. Any person who has actively participated as the mediator in the immediate proceedings for which fact-finding has been called may not sit on that fact-finding panel. The panel shall hear the contending parties to the controversy. The panel may request statistical data and reports on its own initiative in addition to the data regularly maintained by the Bureau of Labor Standards, and has 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. The members of the fact-finding panel shall submit their findings and recommendations only to the parties and to the Executive Director of the Maine Labor Relations Board. Facts that have been found by unanimous decision of the panel are binding on the parties in future proceedings under this chapter.

**Sec. 2. 26 MRSA §979-D, sub-§3, ¶B,** as amended by PL 1975, c. 564, §34, is further amended to read:

B. If the parties do not jointly agree to call upon the Maine Labor Relations Board or to pursue some other procedure, either party to the controversy may request the executive director to assign a fact-finding panel. If so requested, the executive director shall appoint a fact-finding panel, ordinarily of 3 members, in accordance with rules and procedures prescribed by the board for making such appointments. Facts that have been found by unanimous decision of the panel are binding on the parties in future proceedings under this chapter.

