



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

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.

Reference to the Committee on Labor suggested and ordered printed.

W. Marjo

OSEPH 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:

6 If the parties do not jointly agree to call upon the **R**. Maine Labor Relations Board or to pursue some other 8 procedure, either party to the controversy may request the executive director to assign a fact-finding panel. If so 10 requested, the executive director shall appoint а fact-finding panel, ordinarily of 3 members, in accordance with rules and procedures prescribed by the board for making 12 The fact-finding panel shall must be the appointment. appointed from a list maintained by the board and drawn up 14 after consultation with representatives of state and local 16 government administrators, agencies with industrial relations and personnel functions and representatives of employee organizations and of employers. Any person who has 18 actively participated as the mediator in the immediate 20 proceedings for which fact-finding has been called may not sit on that fact-finding panel. The panel shall hear the 22 contending parties to the controversy. The panel may request statistical data and reports on its own initiative 24 in addition to the data regularly maintained by the Bureau of Labor Standards, and has the power to administer oaths 26 and to require by subpoena the attendance and testimony of witnesses, the production of books, records and other 28 evidence relative or pertinent to the issues represented to The members of the fact-finding panel shall submit them. their findings and recommendations only to the parties and 30 to the Executive Director of the Maine Labor Relations 32 Board. Facts that have been found by unanimous decision of the panel are binding on the parties in future proceedings 34 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:

Β. If the parties do not jointly agree to call upon the 40 Maine Labor Relations Board or to pursue some other procedure, either party to the controversy may request the 42 executive director to assign a fact-finding panel. If so executive director requested, the shall appoint а 44 fact-finding panel, ordinarily of 3 members, in accordance with rules and procedures prescribed by the board for making 46 such appointments. Facts that have been found by unanimous decision of the panel are binding on the parties in future 48 proceedings under this chapter.

Sec. 3. 26 MRSA §1026, sub-§3, ¶B, as amended by PL 1975, c. 2 671, §13, is further amended to read:

4 в. 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 б executive director to assign a fact-finding panel. If so 8 requested, the executive director shall appoint а fact-finding panel, ordinarily of 3 members, in accordance 10 with rules and procedures prescribed by the board for making such appointments. Facts that have been found by unanimous 12 decision of the panel are binding on the parties in future proceedings under this chapter.

Sec. 4. 26 MRSA §1285, sub-§3, ¶B, as enacted by PL 1983, c. 16 702, is amended to read:

18 If so requested, the executive director shall appoint a в. fact-finding panel, ordinarily of 3 members, in accordance 20 with rules and procedures prescribed by the board for making the appointment. Any person who has actively participated as 22 the mediator in the immediate proceedings for which fact-finding has been called shall may not sit on that 24 fact-finding panel. The panel shall hear the contending parties to the controversy. It may request statistical data and reports on its own initiative in addition to the data 26 regularly maintained by the Bureau of Labor Standards, and 28 may 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 30 members the the issues presented to them. The of 32 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 34 have been found by unanimous decision of the panel are binding on the parties in future proceedings under this 36 chapter.

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SUMMARY

42 This bill provides that facts found by unanimous vote of a 3 member fact-finding panel are binding on the parties in future 44 proceedings under the various public employees labor relations laws, including the law governing municipal, state, judicial and 46 University of Maine System employees.