

MAINE STATE LEGISLATURE

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MINORITY LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 600, L.D. 840, Bill, "An Act to Provide Binding Arbitration for Police Departments, Sheriff Departments and Professional Fire Departments"

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Amend the bill by striking out the title and substituting the following:

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'An Act to Provide Binding Arbitration for Police Departments, Sheriff Departments, Professional Fire Departments and State Law Enforcement Officers, Subject to Referendum'

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Further amend the bill in section 1 in subsection 4 by inserting at the end a new blocked paragraph to read:

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'If the employer objects to the determination of the arbitrators regarding salaries, pensions or insurance for professional firefighters or law enforcement personnel of the police or sheriff department, the employer may file notice of the objection with the Maine Labor Relations Board within 10 days after the arbitrators' determination is given to the parties. Upon receipt of the notice, the board shall notify the parties that the arbitrators' determination is suspended pending a referendum on the determination. The Maine Labor Relations Board shall notify the officers of the employing governmental unit that they must submit the arbitrators' determination to the voters of that governmental unit at the next regularly scheduled election in that unit. If a majority of the voters voting in the election approve of the arbitrators' determination, it is binding on the employer. If a majority of the voters voting in the election do not approve the determination it is not binding.'

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Further amend the bill by inserting after section 1 the following:

COMMITTEE AMENDMENT

2 'Sec. 2. 26 MRSA §979-D, sub-§4, ¶D, as enacted by PL 1973, c.
774, is amended to read:

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6 D. With Except for law enforcement officers, with respect
8 to controversies over salaries, pensions and insurance, the
10 arbitrator will recommend terms of settlement and may make
12 findings of fact. Such recommendations and findings shall-be
14 are advisory and shall are not be binding upon the parties.
16 The determination by the arbitrator on all other issues
18 shall--be is final and binding on the parties. The
20 arbitrator shall make a determination regarding salaries,
22 pensions and insurance for law enforcement officers, and
24 that determination is binding on the parties, except as
26 provided in this paragraph. If the State objects to the
28 determination of the arbitrator regarding salaries, pensions
30 or insurance for law enforcement officers, the State may
32 file notice of the objection with the board within 10 days
34 after the arbitrator's determination is given to the
36 parties. Upon receipt of the notice, the board shall notify
38 the parties that the arbitrator's determination is suspended
40 pending a referendum on the determination. The board shall
42 notify the Secretary of State that the arbitrator's
44 determination must be submitted to the voters of the State
46 at the next regularly scheduled statewide election. If a
48 majority of the voters voting at the election approve of the
50 arbitrator's determination, it is binding on the State. If
a majority of the voters voting at the election do not
approve the determination, it is not binding.'

Further amend the bill by inserting at the end before the
summary the following:

·FISCAL NOTE

The requirement that a referendum be submitted to voters to
approve arbitration regarding monetary issues for certain county
and municipal employees represents a state mandate pursuant to
the Constitution of Maine. The additional local costs are
expected to be minor. Unless General Fund appropriations are
provided to fund at least 90% of the additional costs or a
Mandate Preamble is amended to the bill and two-thirds of the
members of each House vote to exempt this mandate from the
funding requirement, the affected municipalities and counties may
not be required to implement these changes.

This bill extends binding arbitration to monetary issues for
state employees who are law enforcement officers. The net effect
on the State's salary and benefit costs for law enforcement
officers can not be determined at this time.

2 If the State objects to the determination of the arbitrator,
the determination must be submitted to the voters of the State at
4 the next statewide election. The estimated cost of sending the
determination out to referendum will vary according to the total
6 number of referenda at that statewide election. Based on current
cost estimates, the cost to the Secretary of State if one to 6
8 referenda are enacted is \$95,000. Each additional referendum
costs an additional \$7,000.'

SUMMARY

14 This amendment adds binding arbitration on monetary issues
for law enforcement officers employed by the State as well as for
16 police, sheriffs and firefighters employed on the local level.
It adds a provision subjecting the arbitrator's decision to
18 referendum if the employer so requests. It also adds a fiscal
note to the bill.