

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 840

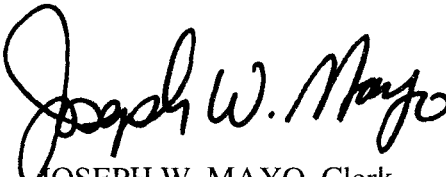
H.P. 600

House of Representatives, January 28, 1999

**An Act to Provide Binding Arbitration for Police Departments, Sheriff  
Departments and Professional Fire Departments.**

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Reference to the Committee on Labor suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative MUSE of South Portland.  
Cosponsored by Representatives: BOLDUC of Auburn, BULL of Freeport.

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

2                   Sec. 1. 26 MRSA §965, sub-§4, as amended by PL 1975, c. 564,  
4 §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  
10 total period of 45 days from the submission of findings and  
12 recommendations, in which to make a good faith effort to resolve  
14 their controversy.

16                   If the parties have not resolved their controversy by the end of  
18 said ~~the~~ 45-day period, they may jointly agree to an arbitration  
20 procedure ~~which that~~ will result in a binding determination of  
22 their controversy. Such determinations ~~will--be~~ are subject to  
24 review by the Superior Court in the manner specified by section  
26 972.

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

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

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## SUMMARY

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4       This bill makes arbitration by employees of sheriff  
6 departments, police departments and professional fire departments  
binding with respect to monetary matters as well as all other  
matters.