

# MAINE STATE LEGISLATURE

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L.D. 1989

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MINORITY  
LABOR

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

COMMITTEE AMENDMENT "A" to H.P. 1382, L.D. 1989, Bill, "An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative and Municipal Employees and to Provide a Process for Voting when a Public Employer's Last Offer is Not Selected"

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

'An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative, Municipal, Judicial and University Employees and to Provide a Process for Voting When a Public Employer's Last Offer is not Selected'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 26 MRSA §965, sub-§4, as amended by PL 1975, c. 564, §18, is repealed and the following enacted in its place:

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

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

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2 If they do not jointly agree to an arbitration procedure within  
3 10 days after the end of the 45-day period, then either party  
4 may, by written notice to the other, request that their  
5 differences be submitted to a panel of 3 arbitrators, selected  
6 from the membership of the State Board of Arbitration and  
7 Conciliation, referred to in this subsection as the "state  
8 board." The bargaining agent and the public employer shall  
9 within 5 days of such request each select and name one arbitrator  
10 from the state board and shall immediately notify each other in  
11 writing of the name and address of the person so selected. The 2  
12 arbitrators so selected and named shall, within 10 days from such  
13 request, agree upon and select and name a neutral arbitrator from  
14 the state board. As soon as possible after the selection of the  
15 neutral arbitrator, the 3 arbitrators shall meet with the parties  
16 or their representatives, or both, either jointly or separately,  
17 make inquiries and investigations, hold hearings, or take any  
18 other steps as they determine appropriate. The hearing must be  
19 informal, and the rules of evidence prevailing in judicial  
20 proceedings are not binding. Any and all documentary evidence  
21 and other data determined relevant by the arbitrators may be  
22 received in evidence. The arbitrators have the power to  
23 administer oaths and to require by subpoena the attendance and  
24 testimony of witnesses, the production of books, records and  
25 other evidence relative or pertinent to the issues represented to  
26 them for determination.

27 If the controversy is not resolved by the parties themselves, the  
28 arbitrators shall proceed as follows: The arbitrators shall make  
29 determinations with respect to issues in controversy if  
30 reasonably possible within 30 days after the selection of the  
31 neutral arbitrator; such determinations may be made public by the  
32 arbitrators or either party; and if made by a majority of the  
33 arbitrators, determinations on matters other than salaries,  
34 pensions and insurance are binding on both parties and the  
35 parties shall enter an agreement or take whatever other action  
36 that may be appropriate to carry out and effectuate such binding  
37 determinations. Determinations of the arbitrators on salaries,  
38 pensions and insurance are binding if made unanimously by the  
39 arbitrators, unless overturned by the voters of the municipality  
40 pursuant to subsection 7. Determinations of the arbitrators,  
41 including determinations following a municipal vote, are subject  
42 to review by the Superior Court in the manner specified by  
43 section 972. The results of all arbitration proceedings,  
44 recommendations and awards conducted under this section must be  
45 filed with the Maine Labor Relations Board at the offices of its  
46 executive director simultaneously with the submission of the  
47 recommendations and award to the parties. In the event the  
48 parties settle their dispute during the arbitration proceeding,  
49 the arbitrators shall submit a report of their activities to the  
50 Executive Director of the Maine Labor Relations Board not more  
than 5 days after the arbitration proceeding has terminated.

2           **Sec. 2. 26 MRSA §965, sub-§7** is enacted to read:

4           7. **Municipal referendum on arbitration.** If the public  
6 employer is an officer, board, commission, council, committee or  
8 other person or body acting on behalf of a municipality or a  
10 subdivision of a municipality and if determinations adopted by  
12 the arbitrators with respect to salaries, pensions and insurance  
14 under subsection 4 are not the last best offer of the  
16 municipality or the subdivision of the municipality, the  
18 municipal officers may by majority vote submit the arbitrators'  
20 determinations on those matters to the voters of the municipality  
22 or the subdivision of the municipality for approval at the next  
24 statewide or municipal election. A municipality or a subdivision  
26 of a municipality may not hold an election on the arbitrators'  
28 determinations unless the municipal officers vote to submit the  
30 arbitrators' determinations to the voters within 45 days of the  
32 date of the arbitrators' decision. Written notice of an election  
34 must be given to the public employees' bargaining agent. If the  
36 majority of legal voters in the municipality or the subdivision  
38 of the municipality voting at the election do not approve the  
40 arbitrators' determinations on salaries, pensions or insurance,  
42 the controversy must be returned to the arbitrators, who must  
44 enter an order accepting the employer's last best offer on those  
46 matters not approved by the voters and that order is final and  
48 binding on the parties, subject to review by the Superior Court.  
50 If the municipal officers do not vote to submit the arbitrators'  
determinations on salaries, pensions or insurance to the voters  
within 45 days of the arbitrators' decision, the arbitrators'  
determinations are final. An election on the arbitrators'  
determinations must be held in the same manner as any other  
statewide or municipal election. In addition, the following  
provisions apply:

A. The voters shall indicate by a cross or check mark  
placed against the word "Yes" or "No" their opinion of the  
arbitrators' determinations.

B. The ballot presented to voters must be concise and clear  
and it must accurately summarize the arbitrators'  
determinations. The ballot must clearly state any matters  
relating to money and must disclose any percentage of  
increase or decrease compared to the previous contract of  
the parties.

C. The municipal officers shall declare the results of the  
election and the municipal clerk shall file a certificate of  
the election result with the Secretary of State within 10  
days of the election.

2           **Sec. 3. 26 MRSA §979-D, sub-§4**, as amended by PL 1997, c. 741,  
§7 and affected by §12, is further amended to read:

4           **4. Arbitration.**

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

12           B. If the parties have not resolved their controversy by  
the end of said that 45-day period, either party may  
14           petition the board to initiate compulsory final and binding  
arbitration of the negotiations impasse. On receipt of the  
16           petition, the executive director of the board shall  
investigate to determine if an impasse has been reached. If  
18           he the executive director so determines, he the executive  
director shall issue an order requiring arbitration and  
20           requesting the parties to select one or more arbitrators  
that each party select and name one arbitrator from the  
22           membership of the State Board of Arbitration and  
Conciliation, referred to in this subsection as the "state  
24           board". If the parties within 10 days after the issuance of  
the order have not selected an arbitrator or a Board of  
26           Arbitration, the board shall then order each party to select  
one arbitrator, and if these 2 arbitrators cannot in 5 days  
28           select a 3rd neutral arbitrator, the board shall submit a  
list from which the parties may alternately strike names  
30           until a single name is left, who shall be appointed by the  
board as arbitrator. Each party shall notify the other in  
32           writing of the name and address of the person selected. The  
2 arbitrators selected and named shall, within 10 days from  
34           the request, name a neutral arbitrator from the state board.

36           C. In reaching a decision under this paragraph, the  
~~arbitrator~~ arbitrators shall consider the following factors:

38                   (1) The interests and welfare of the public and the  
40                   financial ability of the State Government to finance  
the cost items proposed by each party to the impasse;

42                   (2) Comparison of the wages, hours and working  
44                   conditions of the employees involved in the arbitration  
proceeding with the wages, hours and working conditions  
46                   of other employees performing similar services in  
public and private employment in other jurisdictions  
48                   competing in the same labor market;

2 (3) The over-all compensation presently received by  
the employees including direct wage compensation,  
4 vacation, holidays and excused time, insurance and  
pensions, medical and hospitalization benefits, the  
6 continuity and stability of employment, and all other  
benefits received;

8 (4) Such other factors not confined to the foregoing,  
which are normally and traditionally taken into  
10 consideration in the determination of wages, hours and  
working conditions through voluntary collective  
12 bargaining, mediation, fact-finding, arbitration or  
otherwise between the parties, in the public service or  
14 in private employment, including the average consumer  
price index;

16 (5) The need of State Government and the Legislature  
18 for qualified employees;

20 (6) Conditions of employment in similar occupations  
22 outside State Government or the legislative branch;

24 (7) The need to maintain appropriate relationships  
between different occupations in State Government or in  
26 the legislative branch; and

28 (8) The need to establish fair and reasonable  
conditions in relation to job qualifications and  
30 responsibilities.

32 ~~D. With respect to controversies over salaries, pensions~~  
and ~~insurance, the arbitrator will recommend terms of~~  
34 ~~settlement and may make findings of fact. Such~~  
~~recommendations and findings shall be advisory and shall not~~  
36 ~~be binding upon the parties. The determination by the~~  
~~arbitrator on all other issues shall be final and binding on~~  
38 ~~the parties. The arbitrators shall make determinations with~~  
~~respect to issues in controversy, if reasonably possible,~~  
40 ~~within 30 days after the selection of the neutral~~  
~~arbitrator; the determinations may be made public by the~~  
42 ~~arbitrators or either party; and if made by a majority of~~  
~~the arbitrators, determinations on matters other than~~  
44 ~~salaries, pensions and insurance are binding on both parties~~  
~~and the parties shall enter an agreement or take whatever~~  
46 ~~other action that may be appropriate to carry out and~~  
~~effectuate the binding determinations. Determinations of the~~  
48 ~~arbitrators on salaries, pensions and insurance are binding~~  
~~if made unanimously by the arbitrators, unless overturned by~~  
50 ~~the Legislature pursuant to subsection 6 or 7.~~

E. ~~The arbitrator shall~~ arbitrators have a period of 30 days from the termination of the hearing in which to submit ~~his~~ their report to the parties and to the board, unless the ~~afesaid~~ that time limitation ~~shall-be~~ is extended by the executive director.

Sec. 4. 26 MRSA §979-D, sub-§§6 and 7 are enacted to read:

6. Governor submits arbitrators' determinations to Legislature for approval. If the determinations adopted by the arbitrators with respect to salaries, pensions or insurance for executive branch employees under subsection 4 are not the public employer's last best offer, the Governor may submit the arbitrators' determinations on those issues to the Legislature for approval. The Legislature may not hold a vote on the arbitrators' determinations unless the Governor informs the Legislative Council in writing within 45 days of the date of the arbitrators' decision of a decision to submit the determinations to the Legislature. The Governor must give written notice to the state employees' bargaining agent of a decision to submit the determinations to the Legislature.

The Legislature shall vote on the determinations within 45 days of the date of the Governor's written decision to the Legislative Council to submit the determinations to the Legislature. The Legislature shall provide public notice at least 30 days in advance of its initial consideration of the determinations. If a majority of Legislators voting does not approve the arbitrators' determinations on salaries, pensions or insurance, the controversy must be returned to the arbitrators, who must enter a decision accepting the public employer's last best offer on those issues. If the Governor does not notify the Legislative Council of a decision to submit the arbitrators' determinations to the Legislature within 45 days of the arbitrators' decision, the arbitrators' determinations are final.

7. Legislative Council submits arbitrators' decisions to Legislature for approval. If the determinations adopted by the arbitrators with respect to salaries, pensions or insurance for legislative employees under subsection 4 are not the Legislature's last best offer, the Legislative Council may by majority vote submit the arbitrators' determinations to the Legislature for approval. The Legislature may not hold a vote on the arbitrators' determinations unless the Legislative Council votes to submit the arbitrators' determinations to the Legislature within 45 days of the date of the arbitrators' decision. The Legislative Council must give written notice to the employees' bargaining agent of a decision to submit determinations to the Legislature.

2 The Legislature shall vote on the determinations within 45 days  
3 of the date of the Legislative Council's vote to submit the  
4 determinations to the Legislature. The Legislature shall provide  
5 public notice at least 30 days in advance of its initial  
6 consideration of the determinations. If a majority of  
7 Legislators voting does not approve the arbitrators'  
8 determinations, the controversy must be returned to the  
9 arbitrators, who must enter an order accepting the Legislative  
10 Council's last best offer on the matters at issue. If the  
11 Legislative Council does not vote to submit the arbitrators'  
12 determinations to the Legislature within 45 days of the  
13 arbitrators' decision, the arbitrators' determinations are final.

14 **Sec. 5. 26 MRSA §1026, sub-§4, ¶A, as amended by PL 1983, c.**  
15 **153, §1, is further amended to read:**

16  
17 A. At any time after participating in the procedures set  
18 forth in subsections 2 and 3, either party, or the parties  
19 jointly, may petition the board to initiate arbitration  
20 procedures. On receipt of the petition, the executive  
21 director shall within a reasonable time determine if an  
22 impasse has been reached; the determination shall must be  
23 made administratively, with or without hearing, and shall  
24 may not be subject to appeal. If he the executive director  
25 so determines, he the executive director shall issue an  
26 order requiring arbitration and ~~requesting the parties to~~  
27 ~~select one or more arbitrators~~ requiring that each party  
28 select and name one arbitrator from the membership of the  
29 State Board of Arbitration and Conciliation, referred to in  
30 this subsection as the "state board". ~~If the parties,~~  
31 ~~within 10 days after the issuance of the order, have not~~  
32 ~~selected an arbitrator or a Board of Arbitration, the~~  
33 ~~executive director shall then order each party to select one~~  
34 ~~arbitrator and the 2 arbitrators so selected shall select a~~  
35 ~~3rd neutral arbitrator. If the 2 arbitrators cannot in 5~~  
36 ~~days select a 3rd neutral arbitrator, the executive director~~  
37 ~~shall submit identical lists to the parties of 5 or more~~  
38 ~~qualified arbitrators of recognized experience and~~  
39 ~~competence. Each party shall have 7 days from the~~  
40 ~~submission of the list to delete any names objected to,~~  
41 ~~number the remaining names indicating the order of~~  
42 ~~preference and return the list to the executive director.~~  
43 ~~In the event a party does not return the list within the~~  
44 ~~time specified, all parties named therein shall be deemed~~  
45 ~~acceptable. From the arbitrators who have been approved by~~  
46 ~~both parties and pursuant to the order of mutual preference,~~  
47 ~~the executive director shall appoint a neutral arbitrator.~~  
48 ~~If the parties fail to agree upon any arbitrators named, or~~  
~~if for any other reason the appointment cannot be made from~~



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2 the initial list, the executive director shall then submit a  
3 2nd list of 5 or more additional qualified arbitrators of  
4 recognized experience and competence from which they shall  
5 strike names with the determination as to which party shall  
6 strike-- first-- being-- determined-- by-- a-- random-- technique  
7 administered through the Executive Director of the Maine  
8 Labor-- Relations-- Board.--- Thereafter,-- the-- parties-- shall  
9 alternately strike names from the list of names submitted,  
10 provided that, when the list is reduced to 4 names, the 2nd  
11 from the last party to strike shall be entitled to strike 2  
12 names simultaneously, after which the last party to strike  
13 shall so strike one name from the then 2 remaining names,  
14 such that the then remaining name shall identify the person  
15 who shall then be appointed by the executive director as the  
16 neutral arbitrator. Each party shall notify the other in  
17 writing of the name and address of the person selected. The  
18 2 arbitrators selected and named shall, within 10 days from  
19 the request, name a neutral arbitrator from the state board.

20 ~~Nothing in this~~ This subsection may not be construed as  
21 preventing the parties, as an alternative to procedures in  
22 the preceding paragraph, from jointly agreeing to elect  
23 arbitration from either the Federal Mediation and  
24 Conciliation Service or the American Arbitration  
25 Association, under the procedures, rules and regulations of  
26 that association, provided that as long as these procedures,  
27 rules and regulations are not inconsistent with subsections  
28 B and C below paragraphs B and C.

30 **Sec. 6. 26 MRSA §1026, sub-§4, ¶B,** as amended by PL 1983, c.  
31 153, §2, is further amended to read:

32 B. If the controversy is not resolved by the parties  
33 themselves, the arbitrators shall proceed as follows: With  
34 respect-- to-- a-- controversy-- over-- salaries,-- pensions-- and  
35 insurance,-- the-- arbitrators-- will-- recommend-- terms-- of  
36 settlement-- and-- may-- make-- findings-- of-- fact,-- such  
37 recommendations and findings will be advisory only and will  
38 be made,-- if-- reasonably-- possible,-- within-- 60-- days-- after-- the  
39 selection of the neutral arbitrator. The arbitrators may in  
40 their-- discretion-- make-- such-- recommendations-- and-- findings  
41 public,-- and-- either-- party-- may-- make-- such-- recommendations-- and  
42 findings public if agreement is not reached with respect to  
43 such findings and recommendations within 10 days after their  
44 receipt from the arbitrators. With respect to a controversy  
45 over subjects other than salaries, pensions and insurance,  
46 the The arbitrators shall make determinations with respect  
47 thereto to matters in controversy if reasonably possible  
48 within 60 days after the selection of the neutral  
49 arbitrator. Such The determinations may be made public by  
50 the arbitrators or either party and if made by a majority of

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2 the arbitrators, such determinations will--be on matters  
3 other than salaries, pensions or insurance are binding on  
4 both parties and the parties will shall enter an agreement  
5 or take whatever other action that may be appropriate to  
6 carry out and effectuate such the binding determinations,  
7 and--such--determinations--will--be. Determinations of the  
8 arbitrators on salaries, pensions and insurance are binding  
9 if made unanimously by the arbitrators, unless overturned by  
10 the Legislature pursuant to subsection 6. Determinations of  
11 the arbitrators, including those subject to legislative  
12 approval, are subject to review by the Superior Court in the  
13 manner specified by section 1033. The results of all  
14 arbitration proceedings, recommendations and awards  
15 conducted under this section shall must be filed with the  
16 Maine Labor Relations Board at the offices of its executive  
17 director simultaneously with the submission of the  
18 recommendations and award to the parties. In--the--event If  
19 the parties settle their dispute during the arbitration  
20 proceeding, the arbitrator--or--the--chairman--of--the  
21 arbitration-panel-will arbitrators shall submit a report of  
22 his their activities to the Executive Director of the Maine  
23 Labor Relations Board not more than 5 days after the  
24 arbitration proceeding has terminated.

25 **Sec. 7. 26 MRSA §1026, sub-§6 is enacted to read:**

26 **6. Board of trustees submits arbitrators' decisions to**  
27 **Legislature for approval. If the determinations adopted by the**  
28 **arbitrators with respect to salaries, pensions or insurance in**  
29 **the university, academy or technical college under subsection 4**  
30 **are not the employer's last best offer, the board of trustees of**  
31 **the educational institution may by majority vote submit the**  
32 **arbitrators' determinations to the Legislature for approval. The**  
33 **Legislature may not hold a vote on the arbitrators'**  
34 **determinations unless the board of trustees votes to submit the**  
35 **arbitrators' determinations to the Legislature within 45 days of**  
36 **the date of the arbitrators' decision. The board of trustees**  
37 **must give written notice to its employees' bargaining agent of a**  
38 **decision to submit determinations to the Legislature.**

39 The Legislature shall vote on the determinations within 45 days  
40 of the date of the board of trustees' vote to submit the  
41 determinations to the Legislature. Public notice must be  
42 provided at least 30 days in advance of the Legislature's initial  
43 consideration of the determinations. If a majority of  
44 Legislators voting does not approve the arbitrators'  
45 determinations, the controversy must be returned to the  
46 arbitrators, who must enter an order accepting the public  
47 employer's last best offer on the matters at issue. If the board  
48 of trustees does not vote to submit the arbitrators'  
49 of trustees does not vote to submit the arbitrators'  
50 of trustees does not vote to submit the arbitrators'

determinations to the Legislature within 45 days of the arbitrators' decision, the arbitrators' determinations are final.

Sec. 8. 26 MRSA §1285, sub-§4, as enacted by PL 1983, c. 702, is amended to read:

**4. Arbitration.**

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

B. If the parties have not resolved their controversy by the end of that 45-day period, either party may petition the board to initiate compulsory final and binding arbitration of the negotiations' impasse. On receipt of the petition, the executive director of the board shall investigate to determine if an impasse has been reached. If he the executive director so determines, he the executive director shall issue an order requiring arbitration and requesting the parties to select one or more arbitrators that each party select and name an arbitrator from the membership of the State Board of Arbitration and Conciliation. If the parties, within 10 days after the issuance of the order, have not selected an arbitrator or an arbitration panel, the board shall then order each party to select one arbitrator and, if these 2 arbitrators cannot in 5 days select a 3rd neutral arbitrator, the board shall submit a list from which the parties may alternately strike names until a single name is left, who shall be appointed by the board as arbitrator. The bargaining agent and the employer shall, within 5 days of such a request, each select and name one arbitrator from the State Board of Arbitration and Conciliation and shall immediately notify the other party in writing of the name and address of the person selected. The 2 arbitrators selected and named shall, within 10 days from the request, agree upon and select and name a neutral arbitrator from the State Board of Arbitration and Conciliation. In reaching a decision under this paragraph, the ~~arbitrator~~ arbitrators shall consider the following factors:

(1) The interests and welfare of the public and the financial ability of State Government to finance the cost items proposed by each party to the impasse;

(2) Comparison of the wages, hours and working conditions of the employees involved in the arbitration proceeding with the wages, hours and working conditions

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2 of other employees performing similar services in the  
executive and legislative branches of government and in  
4 public and private employment in other jurisdictions  
competing in the same labor market;

6 (3) The overall compensation presently received by the  
employees, including direct wage compensation,  
8 vacation, holidays and excused time, insurance and  
pensions, medical and hospitalization benefits, the  
10 continuity and stability of employment, and all other  
benefits received;

12 (4) Such other factors not confined to the foregoing,  
14 which are normally and traditionally taken into  
consideration in the determination of wages, hours and  
16 working conditions through voluntary collective  
bargaining, mediation, fact-finding, arbitration or  
18 otherwise between the parties, in the public service or  
in private employment, including the average Consumer  
20 Price Index;

22 (5) The need of the Judicial Department for qualified  
employees;

24 (6) Conditions of employment in similar occupations  
26 outside State Government;

28 (7) The need to maintain appropriate relationships  
between different occupations in the Judicial  
30 Department; and

32 (8) The need to establish fair and reasonable  
34 conditions in relation to job qualifications and  
responsibilities.

36 ~~With respect to controversies over salaries, pensions and~~  
~~insurance, the arbitrator shall recommend terms of settlement and~~  
38 ~~may make findings of fact. The recommendations and findings~~  
~~shall be advisory and shall not be binding upon the parties. The~~  
40 ~~determination by the arbitrator on all other issues shall be~~  
~~final and binding on the parties.~~

42 The arbitrators shall make determinations with respect to matters  
44 in controversy if reasonably possible within 60 days after the  
selection of the neutral arbitrator. The determinations may be  
46 made public by the arbitrators or either party and if made by a  
majority of the arbitrators, determinations on matters other than  
48 salaries, pensions or insurance are binding on both parties and  
the parties shall enter an agreement or take whatever other  
50 action that may be appropriate to carry out and effectuate the

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2 binding determinations. Determinations of the arbitrators on  
3 salaries, pensions or insurance are binding if made unanimously  
4 by the arbitrators, unless overturned by the Legislature pursuant  
5 to subsection 4-A. Determinations of the arbitrators, including  
6 those subject to legislative approval, are subject to review by  
7 the Superior Court in the manner specified by section 1033.

8 Any A hearing shall must be informal and the rules of evidence  
9 for judicial proceedings shall are not be binding. Any  
10 documentary evidence and other information deemed determined  
11 relevant by the ~~arbitrator~~ arbitrators may be received in  
12 evidence. The ~~arbitrator~~ arbitrators may administer oaths and  
13 require by subpoena attendance and testimony of witnesses and  
14 production of books and records and other evidence relating to  
15 the issues presented. The ~~arbitrator-shall-have~~ arbitrators have  
16 a period of 30 days from the termination of the hearing in which  
17 to submit ~~his~~ their report to the parties and to the board,  
18 unless that time limitation is extended by the executive director.

20 **Sec. 9. 26 MRSA §1285, sub-§4-A is enacted to read:**

22 4-A Chief Justice submits arbitrators' decisions to  
23 Legislature for approval. If the determinations adopted by the  
24 arbitrators with respect to salaries, pensions or insurance in  
25 the Judicial Department under subsection 4 are not the employer's  
26 last best offer, the Chief Justice of the Supreme Judicial Court  
27 may submit the arbitrators' determinations to the Legislature for  
28 approval. The Legislature may not hold a vote on the  
29 arbitrators' determinations unless the Chief Justice submits the  
30 arbitrators' determinations to the Legislature within 45 days of  
31 the date of the arbitrators' decision. The Chief Justice must  
32 give written notice to the Judicial Department employees'  
33 bargaining agent of a decision to submit determinations to the  
34 Legislature.

36 The Legislature shall vote on the determinations within 45 days  
37 of the date of the Chief Justice submitting the determinations to  
38 the Legislature. Public notice must be provided at least 30 days  
39 in advance of the Legislature's initial consideration of the  
40 determinations. If a majority of Legislators voting does not  
41 approve the arbitrators' determinations, the controversy must be  
42 returned to the arbitrators, who must enter an order accepting  
43 the public employer's last best offer on the matters at issue.  
44 If the Chief Justice does not submit the arbitrators'  
45 determinations to the Legislature within 45 days of the  
46 arbitrators' decision, the arbitrators' determinations are final.'

48 Further amend the bill by inserting at the end before the  
49 summary the following:  
50

2 **FISCAL NOTE**

4 The requirement that arbitration is binding regarding  
6 monetary issues for municipal employees represents a state  
8 mandate pursuant to the Constitution of Maine. The additional  
10 local costs can not be determined at this time. Unless General  
12 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, municipalities may not be  
required to implement these changes.

14 The net impact on salary and benefit costs for state,  
16 legislative and judicial employees and employees of the  
18 University of Maine System, the Maine Technical College System  
and Maine Maritime Academy can not be determined at this time.

20 The Legislature will require additional General Fund  
22 appropriations if the legislative body is called into special  
24 session to vote on arbitrators' determinations. The amounts can  
26 not be determined at this time and will depend on the number of  
arbitrations submitted to the Legislature. The cost of one  
special session is approximately \$31,960 for Legislator salaries  
and expenses and \$1,000 for each public notice.

28 The Department of the Secretary of State will incur some  
30 minor additional costs to process a miscellaneous filing. These  
costs can be absorbed within the department's existing budgeted  
resources.

32 The additional costs associated with the filing of some  
34 occasional reports can be absorbed by the Department of Labor  
utilizing existing budgeted resources.'

36 **SUMMARY**

38 This amendment replaces the bill. It provides for a  
40 3-person board of arbitrators for disputes between public  
42 employers and public employees, selected from the State Board of  
44 Arbitration and Conciliation. It also requires that decisions on  
46 salaries, pensions and insurance must be unanimous in order to be  
48 binding, subject to rejection by the municipal voters or the  
Legislature. It adds the same changes to the judicial and  
university employee collective bargaining laws as are made to the  
State and municipal employees bargaining laws. It requires that  
a referendum on municipal arbitration decisions be held at a

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2 regularly scheduled statewide or municipal election, rather than requiring a special election. Finally, it adds a fiscal note to the bill.

**COMMITTEE AMENDMENT**