

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 513

H.P. 392

House of Representatives, February 6, 2001

An Act to Permit Grievance Mediation by the Panel of Mediators.

Submitted by the Department of Labor pursuant to Joint Rule 204.
Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUPLESSIE of Westbrook.
Cosponsored by Senator MILLS of Somerset and
Representatives: MATTHEWS of Winslow, TREADWELL of Carmel, Senator: EDMONDS
of Cumberland.

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

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Sec. 1. 26 MRSA §965, sub-§2, ¶B, as amended by PL 1975, c.
4 564, §13, is further amended to read:

6

B. Mediation procedures shall must be followed whenever
either party to a controversy requests such services prior
8 to arbitration, or, in the case of disputes affecting public
employers, public employees or their respective
10 representatives as defined, whenever requested by either
party prior to arbitration or at any time on motion of the
12 Maine Labor Relations Board or its executive director.
Requests for grievance mediation are handled in accordance
14 with paragraph F.

16

Sec. 2. 26 MRSA §965, sub-§2, ¶F, as repealed and replaced by
PL 1973, c. 617, §2, is repealed and the following enacted in its
18 place:

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F. The services of the Panel of Mediators must be provided
for grievance mediation only when the parties jointly agree
22 to request grievance mediation services. Notwithstanding
this option, neither party is obligated under subsection 1
24 to bargain over the inclusion of grievance mediation
procedures in a collective bargaining agreement. The
26 services of the Panel of Mediators are always available as a
technique for impasse resolution in contract negotiations
28 and may be invoked as described in paragraph B.

30

SUMMARY

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This bill authorizes the Panel of Mediators to attempt to
34 resolve disputes concerning the meaning of collective bargaining
agreements through grievance mediation when the public employer
36 and the bargaining agent agree to use that process. The bill
also provides that collective bargaining proposals to include
38 grievance mediation as a required step in the grievance
resolution article of collective bargaining agreements would be a
40 permissive, rather than a mandatory, subject of bargaining. This
bill applies to all public employers.