

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
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STATE OF MAINE
AS PASSED BY THE
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1965

‘§ 2910. Refund of 3/7 of tax to users of aircraft

Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in section 2902, for the purpose of propelling piston engine aircraft ~~and pleasure motor boats not used for commercial purposes~~ and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by this chapter, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of 3/7 of the amount of such tax paid by him upon presenting to the State Tax Assessor a statement accompanied by the original invoices showing such purchases. Applications for refunds must be filed with the State Tax Assessor within 12 months from the date of purchase.’

Sec. 5. R. S., T. 38, § 322, amended. Section 322 of Title 38 of the Revised Statutes is amended to read as follows:

‘§ 322. Boating Facilities Fund

There is created within the Maine State Park and Recreation Commission a Boating Facilities Fund ~~to which shall be credited 3/5 of the tax paid on fuel used in pleasure motor boats which is not refunded under Title 36, section 2910.~~ This fund, ~~as heretofore established as funded under Title 36, section 2903-A,~~ shall be available to the Director of the Maine State Park and Recreation Commission in carrying out its duties. **These funds shall constitute a continuous carrying account.**’

Sec. 6. Effective date. This Act shall be effective on October 1, 1965 with respect to refund applications received on and after that date; and transfers to the Commissioner of Sea and Shore Fisheries and to the Boating Facilities Fund under former provisions of Title 36, section 2903, and Title 38, section 322, shall terminate as of that date. The first credits computed under section 3 of this Act shall be certified on or before November 15, 1965 on the basis of tax accrued and refund paid during October, 1965.

Effective September 3, 1965

Chapter 396

AN ACT Establishing the Fire Fighters Arbitration Law.

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

R. S., T. 26, c. 10, additional. Title 26 of the Revised Statutes is amended by adding a new chapter 10, to read as follows:

‘CHAPTER 10

FIRE FIGHTERS ARBITRATION LAW

§ 980. Short title

This chapter shall be known and may be cited as the “Fire Fighters Arbitration Law.”

§ 981. Policy

The protection of the public health, safety and welfare demands that the permanent uniformed members of any paid fire department in any municipality not be accorded the right to strike or engage in any work stoppage or slowdown. This necessary prohibition does not, however, require the denial to such municipal employees of other well recognized rights of labor such as the right to organize, to be represented by a labor organization of their choice, and the right to bargain collectively concerning wages, rates of pay and other terms and conditions of employment.

It is declared to be the public policy of this State to accord to the permanent uniformed members of any paid fire department in any municipality all of the rights of labor other than the right to strike, or engage in any work stoppage or slowdown. To provide for the exercise of these rights, a method of arbitration of disputes is established.

The establishment of this method of arbitration shall not, however, in any way whatever, be deemed to be a recognition by the State of compulsory arbitration as a superior method of settling labor disputes between employees who possess the right to strike and their employers, but rather shall be deemed to be a recognition solely of the necessity to provide some alternative mode of settling disputes where employees must, as a matter of public policy, be denied the usual right to strike.

§ 982. Definitions

As used in this chapter the following terms shall, unless the context requires a different interpretation, have the following meanings:

1. Corporate authorities. "Corporate authorities" means the proper officials within any municipality whose duty or duties it is to establish the wages, salaries, rates of pay, hours, working conditions and other terms and conditions of employment of fire fighters, whether they are the mayor, city manager, town manager, town administrator, city council, town council, director of personnel, personnel board or commission, or by whatever other name the same may be designated, or any combination thereof.

2. Fire fighter. "Fire fighter" means the permanent uniformed members of any paid fire department in any municipality within the State.

§ 983. Right to organize and bargain collectively

The fire fighters in any municipality shall have the right to bargain collectively with their respective municipalities and to be represented by a labor organization in such collective bargaining as to wages, rates of pay, hours, working conditions and all other terms and conditions of employment.

§ 984. Recognition of bargaining agent

The Commissioner of Labor and Industry upon signed petition of at least 50% of the fire fighters employed in any municipality that they desire to be represented by an organization shall conduct a secret election to determine whether the organization represents a majority of the fire fighters, and upon determination that

they do, he shall certify them as a bargaining agent. The labor organization certified as representing a bargaining agent shall be recognized by the municipal authorities as the sole and exclusive bargaining agent for all of the members of the municipal fire department unless and until a decertification election shall be held and the labor organization declared by the Commissioner of Labor and Industry as not representing a majority of the fire fighters in the municipalities.

§ 985. Obligation to bargain

It shall be the obligation of the municipality, acting through its corporate authorities, to meet and confer in good faith with the representative or representatives of the bargaining agent within 10 days after receipt of written notice from said bargaining agent of the request for a meeting for collective bargaining purposes. This obligation shall include the duty to cause any agreement resulting from negotiations to be reduced to a written contract, provided that no such contract shall exceed the term of one year.

§ 986. Unresolved issues submitted to arbitration

In the event that the bargaining agent and the corporate authorities are unable, within 30 days from and including the date of their first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to arbitration.

§ 987. Arbitration board; composition

Within 5 days from the expiration of the 30-day period referred to in section 986, the bargaining agent and the corporate authorities shall each select and name one arbitrator and shall immediately thereafter notify each other in writing of the name and address of the person so selected. The 2 arbitrators so selected and named shall, within 10 days from and after the expiration of the 5-day period hereinbefore mentioned, agree upon and select and name a 3rd arbitrator. If on the expiration of the period allowed therefor the arbitrators are unable to agree upon the selection of a 3rd arbitrator, the American Arbitration Association shall select him upon request in writing from either the bargaining agent or the corporate authorities. The 3rd arbitrator, whether selected as a result of agreement between the 2 arbitrators previously selected, or selected by the American Arbitration Association, shall act as chairman of the arbitration board.

§ 988. Hearings

The arbitration board shall, acting through its chairman, call a hearing to be held within 10 days after the date of the appointment of the chairman, and shall, acting through its chairman, give at least 7 days' notice in writing to each of the other 2 arbitrators, the bargaining agent and the corporate authorities of the time and place of such hearing. The hearing shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be binding. Any and all documentary evidence and other data deemed relevant by the arbitrators may be received in evidence. The arbitrators shall have the power to 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 the issues presented to them for determination.

The hearing conducted by the arbitrators shall be concluded within 20 days of the time of commencement, and within 10 days after the conclusion of the

hearings, the arbitrators shall make written findings and a written opinion upon the issues presented, a copy of which shall be mailed or otherwise delivered to the bargaining agent or its attorney or other designated representative and the corporate authorities. A majority decision of the arbitrators shall not be final and binding upon either the bargaining agent or the corporate authorities.

§ 989. Factors to be considered by arbitration board

The arbitrators shall conduct the hearings and render their decision upon the basis of a prompt, peaceful and just settlement of wage or hour disputes between the fire fighters and the municipality by which they are employed. The factors, among others, to be given weight by the arbitrators in arriving at a decision shall include:

1. Building trades and industry. Comparison of wage rates or hourly conditions of employment of the fire department in question with prevailing wage rates or hourly conditions of employment of skilled employees of the building trades and industry in the local operating area involved.

2. Similar employment. Comparison of wage rates or hourly conditions of employment of the fire department in question with wage rates or hourly conditions of employment maintained for the same or similar work of employees exhibiting like or similar skills under the same or similar working conditions in the local operating area involved.

3. Departments of comparable size. Comparison of wage rates or hourly conditions of employment of the fire department in question with wage rates or hourly conditions of employment of fire departments in municipalities of comparable size.

4. Public interest and welfare. Interest and welfare of the public.

5. Other trades and professions. Comparison of peculiarities of employment in regard to other trades or professions, specifically:

- A. Hazards of employment;
- B. Physical qualifications;
- C. Educational qualifications;
- D. Mental qualifications;
- E. Job training and skills.

§ 990. Fees and expenses of arbitration

Fees and necessary expenses of arbitration shall be borne equally by the bargaining agent and the corporate authorities.

§ 991. Collective bargaining contract; what constitutes

Any agreements actually negotiated between the bargaining agent and the corporate authorities either before, or within 30 days after arbitration, shall

constitute the collective bargaining contract governing fire fighters and said municipality for the period stated therein, provided that such period shall not exceed one year. Any collective bargaining agreement negotiated under this chapter shall specifically provide that the fire fighters who are subject to its terms shall have no right to engage in any work stoppage, slowdown or strike, the consideration for such provision being the right to a resolution of disputed questions.

§ 992. Request for collective bargaining

Whenever wages, rates of pay or any other matter requiring appropriation of money by any municipality are included as matter of collective bargaining conducted under this chapter, it is the obligation of the bargaining agent to serve written notice of request for collective bargaining on the corporate authorities at least 120 days before the last day on which money can be appropriated by the municipality to cover the contract period which is the subject of the collective bargaining procedure.'

Effective September 3, 1965

Chapter 397

AN ACT Relating to Salaries of County Officers in the Several Counties of the State.

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

Sec. 1. R. S., T. 30, § 2, amended. Section 2 of Title 30 of the Revised Statutes is amended to read as follows:

‘§ 2. Salaries

The county commissioners, clerks of the judicial courts and their deputies, county treasurers and their deputies, sheriffs, registers of deeds, judges of probate and registers of probate in the several counties shall receive annual salaries from the county treasury in weekly or monthly payments as follows, except that the county attorneys and their assistants shall receive annual salaries from the State Treasury in monthly payments on the last day of each month in a sum which will, in the year's aggregate, most nearly equal the annual salary, as follows, and no other fees, costs or emoluments shall be allowed them:

Androscoggin County: County commissioners, ~~\$2,000~~ \$2,400; chairman, ~~\$2,600~~ \$3,000; clerk of courts, ~~\$5,800~~ \$8,000; county attorney, ~~\$5,000~~ \$6,500; assistant county attorney, ~~\$3,500~~ \$4,500; county treasurer, ~~\$4,300~~ \$4,700; sheriff, ~~\$5,500~~ \$5,900; register of deeds, ~~\$5,800~~ \$6,200; judge of probate, ~~\$5,000~~ \$5,400; register of probate, ~~\$4,800~~ \$5,200.

Aroostook County: County commissioners, ~~\$7,250~~ \$1,500, except that one member of the board, designated by the board as chief administrative officer, shall receive ~~\$5,000~~ \$5,500; clerk of courts, ~~\$5,500~~ \$6,000; county attorney, ~~\$7,500~~ \$6,500; assistant county attorney, ~~\$3,500~~ \$4,500; county treasurer, ~~\$3,000~~ \$3,500; sheriff, \$5,500; register of deeds, northern district, ~~\$4,000~~ \$5,000; southern district, \$4,500; judge of probate, ~~\$4,000~~ \$4,500; register of probate, \$4,000.