

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 153

S.P. 440 - L.D. 1319

AN ACT to Revise the University of Maine
Arbitration Procedures.

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

Sec. 1. 26 MRS.A §1026, sub-§4, ¶A, as amended by PL 1975, c. 717, §7, is further amended to read:

A. At any time after participating in the procedures set forth in subsections 2 and 3, either party, or the parties jointly, may petition the board to initiate arbitration procedures. On receipt of the petition, the executive director shall within a reasonable time determine if an impasse has been reached; the determination shall be made administratively, with or without hearing, and shall not be subject to appeal. If he so determines, he shall issue an order requiring arbitration and requesting the parties to select one or more arbitrators. If the parties, within 10 days after the issuance of the order, have not selected an arbitrator or a Board of Arbitration, the executive director shall then order each party to select one arbitrator and the 2 arbitrators so selected shall select a 3rd neutral arbitrator. If the 2 arbitrators cannot in 5 days select a 3rd neutral arbitrator, the executive director shall submit identical lists to the parties of 5 or more qualified arbitrators of recognized experience and competence. Each party shall have 7 days from the submission of the list to delete any names objected to, number the remaining names indicating the order of preference and return the list to the executive director. In the event a party does not return the list within the time specified, all parties named therein shall be deemed acceptable. From the arbitrators who have been approved by both parties and pursuant to the order of mutual preference, the executive director shall appoint a neutral arbitrator. If the parties fail to agree upon any arbitrators named, or if for any other reason the appointment cannot be made from the initial list, the executive director shall then submit a 2nd list of 5 or more additional qualified arbitrators of recognized experience and competence from which they shall ~~alternately strike names until a single name is left, strike names with the determination as to which party~~

shall strike first being determined by a random technique administered through the Executive Director of the Maine Labor Relations Board. Thereafter, the parties shall alternately strike names from the list of names submitted, provided that, when the list is reduced to 4 names, the 2nd from the last party to strike shall be entitled to strike 2 names simultaneously, after which the last party to strike shall so strike one name from the then 2 remaining names, such that the then remaining name shall identify the person who shall then be appointed by the executive director as the neutral arbitrator.

Nothing in this subsection ~~shall~~ may be construed as preventing the parties, as an alternative to procedures in the preceding paragraph, from jointly agreeing to elect arbitration from either the Federal Mediation and Conciliation Service or the American Arbitration Association, under the procedures, rules and regulations of that association, provided that these procedures, rules and regulations are not inconsistent with subsections B and C below.

Sec. 2. 26 MRSA §1026, sub-§4, ¶B, as amended by PL 1975, c. 671, §14, is further amended to read:

B. If the controversy is not resolved by the parties themselves, the arbitrators shall proceed as follows: With respect to a controversy over salaries, pensions and insurance, the arbitrators will recommend terms of settlement and may make findings of fact; such recommendations and findings will be advisory only and will be made, if reasonably possible, within 60 days after the selection of the neutral arbitrator. The arbitrators may in their discretion make such recommendations and findings public, and either party may make such recommendations and findings public if agreement is not reached with respect to such findings and recommendations within 10 days after their receipt from the arbitrators. With respect to a controversy over subjects other than salaries, pensions and insurance, the arbitrators shall make determinations with respect thereto if reasonably possible within 60 days after the selection of the neutral arbitrator. Such determinations may be made public by the arbitrators or either party and if made by a majority of the arbitrators, such determinations will be binding on both parties and the parties will enter an agreement or take whatever other action that may be appropriate to carry out and effectuate such binding determinations, and such determinations will be subject to review by the Superior Court

in the manner specified by section 972 1033. The results of all arbitration proceedings, recommendations and awards conducted under this section shall be filed with the Maine Labor Relations Board at the offices of its executive director simultaneously with the submission of the recommendations and award to the parties. In the event the parties settle their dispute during the arbitration proceeding, the arbitrator or the chairman of the arbitration panel will submit a report of his activities to the Executive Director of the Maine Labor Relations Board not more than 5 days after the arbitration proceeding has terminated.

Effective September 23, 1983.

CHAPTER 154

H.P. 266 - L.D. 326

AN ACT Relating to Hunting and Fishing by Disabled Persons.

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

Sec. 1. 12 MRSA §7076, sub-§3, ¶A, as enacted by PL 1979, c. 420, §1, is amended to read:

A. The commissioner may issue, upon application, complimentary resident hunting and fishing licenses to a resident of Maine who is suffering from paraplegia or suffering from the loss of, or the loss of the use of, both lower extremities. Any license issued under this paragraph shall remain valid through December 31st of the 2nd complete calendar year following the year of issuance.

Sec. 2. Commissioner to contact counterparts. The Commissioner of Inland Fisheries and Wildlife is directed to communicate with his counterparts in the other states to encourage them to reciprocate with this State by providing benefits to paraplegic Maine hunters and fishermen similar to those which Maine now extends to paraplegic hunters and fishermen from other states. The commissioner shall report on the results of his efforts to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters not later than January 15, 1984.

Effective September 23, 1983.