

**CHAPTER 9**

**MEDIATION AND ARBITRATION**

**SUBCHAPTER 1**

**PANEL OF MEDIATORS**

**§881. Policy**

**(REPEALED)**

SECTION HISTORY

PL 1973, c. 617, §1 (RP).

**§882. Panel**

**(REPEALED)**

SECTION HISTORY

PL 1971, c. 506, §1 (AMD). PL 1971, c. 620, §13 (AMD). PL 1973, c. 617, §1 (RP).

**§882-A. Notification**

**(REPEALED)**

SECTION HISTORY

PL 1971, c. 19 (NEW). PL 1973, c. 617, §1 (RP).

**§883. Mediation procedure; duties**

**(REPEALED)**

SECTION HISTORY

PL 1973, c. 617, §1 (RP).

**§884. Services not available if covered by agreement**

**(REPEALED)**

SECTION HISTORY

PL 1973, c. 617, §1 (RP).

**§885. Information privileged**

**(REPEALED)**

SECTION HISTORY

PL 1973, c. 617, §1 (RP).

**§891. Policy**

It is declared to be the policy of the State to provide full and adequate facilities for the settlement of disputes between employers and employees or their representatives and other disputes subject to settlement through mediation. [PL 1975, c. 564, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 564, §1 (NEW).

**§892. Panel**

The Panel of Mediators, as established by Title 5, section 12004-B, subsection 3, consisting of not less than 5 nor more than 10 impartial members, must be appointed by the Governor from time to time upon the expiration of the terms of the several members, for terms of 3 years. The Maine Labor Relations Board shall supply to the Governor nominations for filling vacancies. Vacancies occurring during a term must be filled for the unexpired term. Members of the panel are entitled to compensation according to section 965, subsection 2, paragraph C. The costs for services rendered and expenses incurred by the panel and any applicable state cost allocation program charges must be shared equally by the parties to mediation and must be paid into a special fund administered by the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by members of the panel is the responsibility of the Executive Director of the Maine Labor Relations Board. All costs must be paid from that special fund. The executive director may estimate costs upon receipt of a request for services and collect those costs prior to providing the services. The executive director shall bill or reimburse the parties, as appropriate, for any difference between the estimated costs that were collected and the actual costs of providing the services. Once one party has paid its share of the estimated cost of providing the service, the mediator is assigned. A party who has not paid an invoice for the estimated or actual cost of providing services within 60 days of the date the invoice was issued is, in the absence of good cause shown, liable for the amount of the invoice together with a penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected pursuant to this provision remains in the special fund administered by the Maine Labor Relations Board and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this provision through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action. [PL 1997, c. 412, §1 (AMD).]

**SECTION HISTORY**

PL 1975, c. 564, §1 (NEW). PL 1983, c. 812, §160 (AMD). PL 1991, c. 92, §1 (AMD). PL 1991, c. 622, §02 (AMD). PL 1991, c. 798, §2 (AMD). PL 1997, c. 412, §1 (AMD).

**§893. Invoking mediation services**

Mediation procedures as provided by section 965, subsection 2, shall be followed whenever either party to a controversy requests such services and the Maine Labor Relations Board or its executive director finds that the dispute is subject to settlement through mediation and that it is in the public interest to mediate. [PL 1975, c. 564, §1 (NEW).]

**SECTION HISTORY**

PL 1975, c. 564, §1 (NEW).

**SUBCHAPTER 2****STATE BOARD OF ARBITRATION AND CONCILIATION****(REPEALED)****§911. Appointment and qualification; salaries and expenses****(REPEALED)****SECTION HISTORY**

PL 1969, c. 450, §§1,2 (AMD). PL 1971, c. 620, §13 (AMD). PL 1975, c. 564, §2 (AMD). PL 1975, c. 771, §279 (AMD). PL 1979, c. 22, §§1,2 (AMD). PL 1983, c. 812, §161 (AMD). PL 1985, c. 294, §§1,3 (RP).

**§912. Powers and duties**

**(REPEALED)**

SECTION HISTORY

PL 1979, c. 22, §3 (AMD). PL 1985, c. 294, §§1,3 (RP).

**§913. Witnesses**

**(REPEALED)**

SECTION HISTORY

PL 1979, c. 22, §4 (AMD). PL 1985, c. 294, §§1,3 (RP).

**§914. Recess of negotiations**

**(REPEALED)**

SECTION HISTORY

PL 1985, c. 294, §§1,3 (RP).

**§915. Notification of strike; proceedings in settlement**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 564, §3 (AMD). PL 1985, c. 294, §§1,3 (RP).

**§916. Inquiry into cause of controversy; conciliators; report**

**(REPEALED)**

SECTION HISTORY

PL 1971, c. 620, §13 (AMD). PL 1975, c. 564, §4 (AMD). PL 1979, c. 22, §5 (AMD). PL 1985, c. 294, §§1,3 (RP).

**§917. Application for inquiry; notice of hearing**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 564, §5 (AMD). PL 1979, c. 22, §6 (RPR). PL 1985, c. 294, §§1,3 (RP).

**§918. Submission to arbitration; decision**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 564, §6 (AMD). PL 1985, c. 294, §§1,3 (RP).

**§919. Procedure in arbitration**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 564, §7 (AMD). PL 1979, c. 22, §§7-9 (AMD). PL 1985, c. 294, §§1,3 (RP).

**§920. Submission to local board; decision**

**(REPEALED)**

## SECTION HISTORY

PL 1975, c. 564, §8 (AMD). PL 1979, c. 22, §10 (AMD). PL 1985, c. 294, §§1,3 (RP).

**§921. Advertising or soliciting for workers during strike or disturbance; exceptions; penalty****(REPEALED)**

## SECTION HISTORY

PL 1985, c. 294, §§1,3 (RP).

**§922. Proceedings confidential****(REPEALED)**

## SECTION HISTORY

PL 1979, c. 22, §11 (AMD). PL 1985, c. 294, §§1,3 (RP).

**SUBCHAPTER 2-A****STATE BOARD OF ARBITRATION AND CONCILIATION****§931. Appointment and qualification; salaries and expenses; rules; reports**

The State Board of Arbitration and Conciliation, in this subchapter called "the board," consists of 3 members appointed by the Governor from time to time upon the expiration of the terms of the several members for terms of 3 years. One member must be an employer of labor or selected from an association representing employers of labor, and another must be an employee or selected from a bona fide trade or labor union. The 3rd member must represent the public interests of the State and serves as chair. Vacancies occurring during a term must be filled for the unexpired term. When meeting to deliberate or vote with respect to a matter before the board, members of the board are entitled to receive \$150 a day per meeting for their services for the time actually employed in the discharge of their official duties. For all other purposes, members of the board are entitled to receive \$300 a day for their services for the time actually employed in the discharge of their official duties. They are entitled to receive their traveling and all other necessary expenses. The costs for services rendered and expenses incurred by the State Board of Arbitration and Conciliation and any state allocation program charges must be shared equally by the parties to the proceedings and must be paid into a special fund administered by the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by the State Board of Arbitration and Conciliation is the responsibility of the Executive Director of the Maine Labor Relations Board. All costs must be paid from that special fund. The executive director may estimate costs upon receipt of a request for services and collect those costs prior to providing the services. The executive director shall bill or reimburse the parties, as appropriate, for any difference between the estimated costs that were collected and the actual costs of providing the services. Once one party has paid its share of the estimated cost of providing the service, the matter is scheduled for hearing. A party who has not paid an invoice for the estimated or actual cost of providing services within 60 days of the date the invoice was issued is, in the absence of good cause shown, liable for the amount of the invoice together with a penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected pursuant to this section remains in the special fund administered by the Maine Labor Relations Board and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this section through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action. The executive director shall, annually, on or before July 1st, make a report of the activities of the State Board of Arbitration and Conciliation to the

Governor. The board shall from time to time adopt rules of procedure as it determines necessary, including rules for the Logging Dispute Resolution Board pursuant to chapter 47. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 665, §3 (AMD).]

Six alternate members, having the same qualifications as members, and 2 being from each category, shall be appointed in the same manner and for the same terms as members and shall, when serving as members of the board, have the same responsibilities and duties and be entitled to the same privileges and emoluments as members. [PL 1985, c. 294, §§2, 3 (NEW).]

When, for any reason, a member of the board does not serve in any particular case, the alternate member having the same qualifications shall act as a member of the board in that case. [PL 1985, c. 294, §§2, 3 (NEW).]

The board's responsibility is to further harmonious labor-management relations in this State. It may serve as a board of inquiry or as a board of conciliation in the private sector, or as a board of arbitration in either the public or private sector, provided that the parties appearing before it so agree. No member of the board may participate in any case in which he has a personal interest. [PL 1985, c. 294, §§2, 3 (NEW).]

Workers shall have full freedom of association, self organization and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection, free from interference, restraint or coercion by their employers or other persons. It shall be the duty of the board to endeavor to settle disputes, strikes and lockouts between employers and employees. [PL 1985, c. 294, §§2, 3 (NEW).]

An employer shall not retaliate against any employee who may have petitioned or sought the assistance of the board pursuant to this subchapter or for having provided information or testimony in this subchapter. [PL 1985, c. 294, §§2, 3 (NEW).]

#### SECTION HISTORY

PL 1985, c. 294, §§2,3 (NEW). PL 1987, c. 460, §2 (AMD). PL 1991, c. 622, §O3 (AMD). PL 1991, c. 798, §3 (AMD). PL 2003, c. 670, §1 (AMD). PL 2007, c. 175, §1 (AMD). PL 2021, c. 421, §1 (AMD). PL 2021, c. 665, §3 (AMD).

#### **§931-A. Use of board member representing the public interests instead of full board**

The parties may agree to have any controversy that could be handled by the board under this subchapter directed to the board member selected to represent the public interests of the State or to one of the alternates from the same category. If the parties elect to use that board member, the parties must agree on the board member or alternate by name. A board member selected under this section may administer oaths and require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the matter before the board member and has the same power to act on any issue and in any manner as the full board has pursuant to this subchapter. [PL 1993, c. 53, §1 (NEW).]

#### SECTION HISTORY

PL 1993, c. 53, §1 (NEW).

#### **§931-B. Forestry rate proceedings panel**

**(REPEALED)**

#### SECTION HISTORY

PL 2003, c. 670, §2 (NEW). PL 2009, c. 381, §4 (RP).

#### **§932. Subpoena powers**

The chairman of the board or his alternate may administer oaths and require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the matter before it. [PL 1985, c. 294, §§ 2 and 3 (NEW).]

Witnesses subpoenaed by the board shall be allowed the same fees as are paid to witnesses in Superior Court. These fees, together with all necessary expenses of the board, shall be paid by the Treasurer of State on warrants drawn by the State Controller. [PL 1985, c. 294, §§ 2 and 3 (NEW).]

#### SECTION HISTORY

PL 1985, c. 294, §§2,3 (NEW).

#### **§933. Notice; recess of meetings and hearings**

Except in cases in which the public welfare is involved, a minimum of 3 working days' notice shall be required before the board will convene. [PL 1985, c. 294, §§ 2 and 3 (NEW).]

When the board has taken jurisdiction of a case where a dispute exists, it may, at its discretion, recess the hearings for any reasonable purpose and may call a subsequent meeting as soon as practicable at any appropriate place or time which it may designate for a continuation of the proceedings. [PL 1985, c. 294, §§ 2 and 3 (NEW).]

#### SECTION HISTORY

PL 1985, c. 294, §§2,3 (NEW).

#### **§934. Conciliation; notification of dispute; proceedings in settlement; report**

Whenever it appears to the employer or employees concerned in a labor dispute, or when a strike or lockout is threatened, or actually occurs, he or they may request the services of the board. [PL 1985, c. 294, §§2, 3 (NEW).]

If, when the request or notification is received, it appears that a substantial number of employees in the department, section or division of the business of the employer are involved, the board shall endeavor, by conciliation, to obtain an amicable settlement. If the board is unable to obtain an amicable settlement it shall endeavor to persuade the employer and employees to submit the matter to arbitration. [PL 1985, c. 294, §§2, 3 (NEW).]

The board shall, upon notification, as soon as practicable, visit the place where the controversy exists or arrange a meeting of the interested parties at a convenient place, and shall make careful inquiry into the cause of the dispute or controversy, and the board may, with the consent of the Governor, conduct the inquiry beyond the limits of the State. [PL 1985, c. 294, §§2, 3 (NEW).]

The board shall hear all interested persons who come before it, advise the respective parties what ought to be done by either or both to adjust the controversy, and shall make a confidential written report to the Governor and the Executive Director of the Maine Labor Relations Board. The Governor or executive director shall make the report public if, after 15 days from the date of its receipt, the parties have not resolved the controversy and the public interest would be served by publication. In addition, either the Governor or the executive director may refer the report and recommendations of the board to the Attorney General or other department for appropriate action when it appears that any of the laws of this State may have been violated. [PL 2015, c. 250, Pt. C, §3 (AMD).]

#### SECTION HISTORY

PL 1985, c. 294, §§2,3 (NEW). PL 2015, c. 250, Pt. C, §3 (AMD).

#### **§935. Application for board of inquiry; notice of hearing**

In cases of controversy, where conciliation, mediation or arbitration is refused by one of the parties or the board has deemed that those processes have been or will be ineffective, either party may request the board to make inquiry. The application for inquiry may be signed by the employer or by a

substantial number of the employees in the department, section or division of the business in which the controversy exists or by their agent or representative or by both parties and, if signed by an agent or representative claiming to represent the employees, the board shall satisfy itself that he is duly authorized to do so. [PL 1985, c. 294, §§2, 3 (NEW).]

Upon receipt of the application for inquiry, the chairman, or in his absence or disability the alternate chairman, through the auspices of the Maine Labor Relations Board, shall give notice of the time and place of hearing and may, at the board's discretion, give public notice by publishing in at least one newspaper the time and place of the hearing. [PL 1985, c. 294, §§2, 3 (NEW).]

The board shall, upon the request of the Governor or the mayor of a city or the select board of a town, investigate and report upon any labor controversy if, in its opinion, it threatens the public welfare. [PL 2021, c. 275, §11 (AMD).]

The board, after inquiry, may make and publish a report in the matter, including its findings of fact and recommendations for settling the controversy. [PL 1985, c. 294, §§2, 3 (NEW).]

#### SECTION HISTORY

PL 1985, c. 294, §§2,3 (NEW). PL 2021, c. 275, §11 (AMD).

#### **§936. Submission to arbitration; decision**

If the case cannot be settled through the process of conciliation, the interested parties may jointly submit the case to arbitration by filing an arbitration application with the Executive Director of the Maine Labor Relations Board. [PL 1985, c. 294, §§ 2, 3 (NEW).]

The chairman of the board shall immediately, after the filing, give notice of the time and place of the hearing to both parties. [PL 1985, c. 294, §§ 2, 3 (NEW).]

#### SECTION HISTORY

PL 1985, c. 294, §§2,3 (NEW).

#### **§937. Procedure in arbitration**

The board may hear grievance arbitration matters referred to it pursuant to a collective bargaining agreement. It may hear any labor dispute jointly referred to it for resolution by arbitration by the representatives of management and labor. In cases of arbitration, the parties concerned must submit in writing to the board, the matters which they mutually agree to submit to arbitration and such other details pertinent to the issues involved as they may agree upon. When the matter is submitted to arbitration by the board, the board shall investigate the matter in controversy, shall hear all interested persons who come before it and make an award and written opinion which shall be published by the chairman of the board and shall be binding on the parties who join in the agreement. [PL 1985, c. 294, §§ 2 and 3 (NEW).]

The board may, at any time in the arbitration process, seek a stipulated settlement of the matter submitted to it for resolution provided that settlement is approved by the parties to the dispute. Except as provided in section 972, arbitration proceedings shall be subject to the review provisions of the Uniform Arbitration Act, Title 14, chapter 706. [PL 1985, c. 294, §§ 2 and 3 (NEW).]

#### SECTION HISTORY

PL 1985, c. 294, §§2,3 (NEW).

#### **§938. Advertising or soliciting for workers during strike or disturbance; exceptions; penalty**

If any employer, during the continuance of a strike among the employer's employees, or during the continuance of a lockout or other labor trouble among the employer's employees, publicly advertises in newspapers, or by posters or otherwise, for employees, or directly or through the employer's agents solicits persons to work for the employer to fill the places of strikers, the employer shall plainly and

explicitly mention in the advertisements or oral or written solicitations that a strike, lockout or other labor disturbance exists. If any employee, during the continuance of a strike, lockout or other labor trouble, advertises for or solicits business for a competitor of the employer that is engaged in the labor dispute, the employee shall plainly and explicitly mention in the advertisement or oral or written solicitation that a strike, lockout or other labor disturbance exists. This section ceases to be operative if the board determines that the business of the employer, in respect to which the strike or other labor trouble occurred, is being carried on in the normal and usual manner and to the normal and usual extent. The board shall determine this question as soon as possible upon the application of the employer. Any person, firm, association or corporation that violates this section must be punished by a fine not less than \$250 nor more than \$500. [PL 2017, c. 475, Pt. A, §43 (AMD).]

#### SECTION HISTORY

PL 1985, c. 294, §§2,3 (NEW). PL 2017, c. 475, Pt. A, §43 (AMD).

#### **§939. Proceedings confidential**

Any information disclosed by either party to a dispute to the board or any of its members in carrying out this subchapter shall be confidential, except as may be provided otherwise in this subchapter. [PL 1985, c. 294, §§2 and 3 (NEW).]

#### SECTION HISTORY

PL 1985, c. 294, §§2,3 (NEW).

### SUBCHAPTER 3

#### ARBITRATION PURSUANT TO COLLECTIVE BARGAINING CONTRACTS

#### **§951. Agreements to arbitrate**

A written provision in any collective bargaining contract to settle by arbitration a controversy thereafter arising out of such contract or out of the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, or such refusal, herein designated in this subchapter as "a written submission agreement," shall be valid, irrevocable and enforceable, save upon such grounds, independent of the provisions for arbitration, as exist at law or in equity for the revocation of any contract.

#### **§952. Stay of proceedings**

If any action or proceeding be brought in any court upon any issue or controversy referable to arbitration under a written provision in any collective bargaining contract or under an agreement in writing for submission to arbitration of an existing controversy arising out of such collective bargaining contract, the court in which such action or proceeding is pending, upon being satisfied that the issue involved in such action or proceeding is thus referable to arbitration, shall on application of one of the parties stay the trial of the action or proceeding until such arbitration has been had in accordance with the terms of the collective bargaining contract or the written agreement for submission to arbitration, provided the applicant for the stay is not in default in proceeding with such arbitration.

#### **§953. Failure to arbitrate under agreement**

A party aggrieved by the alleged failure, neglect or refusal of another to arbitrate in accordance with any agreement embraced within section 951 may institute proceedings in the Superior Court. Such proceedings shall be for an order directing that such arbitration proceed in the manner provided in the collective bargaining agreement or written submission agreement.



Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of process in civil actions. The court shall hear the parties, and upon being satisfied that the making of the collective bargaining contract or the written submission agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the collective bargaining contract or the written submission agreement. If the making of the collective bargaining contract or of the written submission agreement for arbitration or the failure, neglect or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial is demanded by the party alleged to be in default, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by law for referring to a jury issues in actions not triable of right by a jury or may specially call a jury for that purpose. If the jury find that no collective bargaining contract or written submission agreement for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that a collective bargaining contract or written submission agreement for arbitration was made and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof. [PL 1965, c. 425, §16 (AMD).]

#### SECTION HISTORY

PL 1965, c. 425, §16 (AMD).

#### **§954. Appointment of arbitrators or umpires**

If in the agreement provision is made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method is provided therein, or if a method is provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in agreement, the arbitration shall be by a single arbitrator.

#### **§955. Application heard as motion**

Any application to the court under this subchapter shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise expressly provided.

#### **§956. Witnesses before arbitrators; fees; compelling attendance**

The arbitrators selected either as prescribed in this subchapter or otherwise, or a majority of them, may summon in writing any person to attend before them, or any of them, as a witness and in a proper case to bring with him or them any book, record, document or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses before the Superior Court. Said summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpoenas to appear and testify before the Superior Court. If any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon complaint, any Justice of the Superior Court may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner provided by law for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the State of Maine.

#### **§957. Awards; confirmation; jurisdiction; procedure**

If the parties in their collective bargaining contract or written submission agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified or corrected as prescribed in sections 958 and 959. In the absence of such provision in the collective bargaining contract or written submission agreement of the parties, such application to have judgment entered upon the award may be made to the Superior Court in the county within which such award was made. Notice of application shall be served upon the adverse party. If the adverse party is a resident of the State, such service shall be made upon the adverse party or his attorney as prescribed by law for service of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served in like manner as other process of the court is served upon nonresidents.

**§958. Vacation of award; grounds; rehearing**

In any of the following cases the Superior Court in and for the county wherein the award was made may make an order vacating the award upon the application of any party to the arbitration:

1. **Corruption, fraud or undue means.** Where the award was procured by corruption, fraud or undue means;
2. **Partiality or corruption in arbitrators.** Where there was obvious partiality or corruption in the arbitrators, or any of them;
3. **Abuse of discretion by arbitrators.** Where the arbitrators were guilty of abuse of discretion by which the rights of any party have been prejudiced; or
4. **Arbitrators exceeded powers.** Where the arbitrators exceeded their powers or so imperfectly executed them that a mutual, final and definite award upon the subject matter submitted was not made.

Where an award is vacated and the time within which the agreement required the award to be made has not expired, the court may, in its discretion, direct a rehearing by the arbitrators.

**§959. Modification or correction of award; grounds; order**

The Superior Court in and for the county wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the award.

**§960. Applicability of provisions**

This subchapter shall not apply to any provision or agreement relative to arbitration contained in a collective bargaining contract entered into prior to August 28, 1957, or after October 6, 1967, or to any agreement to submit to arbitration an existing controversy entered into prior to August 28, 1957, or after October 6, 1967. [PL 1969, c. 287, §2 (AMD).]

**SECTION HISTORY**

PL 1969, c. 287, §2 (AMD).

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