

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SECOND LEGISLATURE

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**Legislative Document**

**No. 1788**

H. P. 1282

House of Representatives, January 17, 1966

The Committee on State Government suggested.

JEROME G. PLANTE, Clerk

Presented by Mr. Binnette of Old Town.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SIX

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**AN ACT Establishing a Grievance Procedure and Appeals Board for  
State Employees.**

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

**Sec. 1. R. S., T. 26, c. 10-A, additional.** Title 26 of the Revised Statutes is amended by adding a new chapter 10-A, to read as follows:

**'CHAPTER 10-A**

**STATE EMPLOYEES APPEALS BOARD**

**§ 995. State Employees Appeals Board**

There is established an impartial board of arbitration to be known as the State Employees Appeals Board which shall consist of 3 members to be appointed by the Governor, with the advice and consent of the Council, from persons not employed by the State of Maine and who have established background positively indicating a capacity to mediate grievances between management and labor. Of those members first appointed, one shall be appointed for a term of one year, one for 2 years and one for 3 years. Their successors shall be appointed for 3 years. The compensation of the members of the board shall be fixed by the Governor and Council. The members of the board shall receive their necessary expenses.

The board shall:

1. Administration. Administer the provisions of this chapter. In exercising its administration, the board may promulgate operating policies, establish organizational and operational procedures, and exercise general supervision.

The board shall employ, subject to the Personnel Law, such assistants as may be necessary to carry out the purposes of this chapter.

2. Rules and regulations. Promulgate such rules and regulations as are necessary to effectuate the purposes of this chapter.

3. Report. Report biennially to the Governor and Legislature facts and recommendations relating to the administration and needs of the board.

#### § 996. Mediation authority

The board shall have the authority to mediate the final settlement of all grievances and disputes between individual state employees and their respective state agencies. All complaints between a state employee and the state agency by which he is employed shall be made and heard in the manner provided by this chapter for the mediation and settlement of such complaints. The decision of the board shall be final and binding upon the state agency and state employees involved in the dispute, and shall supersede any prior action taken by the state agency with reference to the employment and working conditions of such employees.

#### § 997. Procedure for settlement

A grievance or dispute between a state employee and the agency of the State by whom he is employed shall be entertained by the board upon the application of the employee, providing there shall have been compliance with the following requirements:

1. Immediate supervisor. That the employee aggrieved by the dispute and the employee union representative shall have attempted to adjust the dispute with the employee's immediate supervisor;

2. Agency representative. That in the event the dispute cannot be settled through the immediate supervisor within 3 days of its occurrence, the aggrieved employee shall submit the dispute for settlement by filing an application with the board. The board shall forthwith after such filing arrange a meeting between a member or members of the union to be designated by the union, and the division head, superintendent or other person designated by the agency head to attempt to arrive at a settlement.

3. Agency head. In the event the parties concerned under subsection 2 have been unable to settle the dispute the board shall arrange a meeting between a representative of the Pine Tree Council No. 74, American Federation of State, County and Municipal Employees, AFL-CIO, and the head of the state agency who shall make a careful inquiry into the cause of the dispute and attempt to adjust the dispute. The Pine Tree Council No. 74 shall have access to the work location of the employee involved during working hours for the purpose of investigating the causes of the grievance.

4. Submission to board. In the event the grievance shall not have been satisfactorily adjusted within 2 weeks under subsections 1 to 3, the dispute shall be submitted to the board which shall investigate the matters in controversy, shall hear all interested persons who come before it, and make a written decision thereof, which shall be binding on the parties involved.'