

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 1697**

S. P. 570

In Senate, January 6, 1970

Committee on Judiciary suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Hanson of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
AND SEVENTY

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**AN ACT Relating to Subpoena Power for State Employees Appeals Board.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature enacted into law a procedure for appeal and arbitration of state employees' grievances; and

Whereas, the State Employees Appeals Board as constituted in accordance with Title 5, sections of the Revised Statutes has and will in the future hold hearings to determine the appropriate disposition of each case and it is necessary at said hearings to hear from and require the attendance of various witnesses and examine certain records and papers not within the possession or control of the board; and

Whereas, the board and parties to proceedings before the board are not directly given subpoena power and said power is critical to obtaining a full and fair hearing; and

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., T. 5, § 753, sub-§ 7, additional.** Section 753 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 539 of the public laws of 1967, is amended by adding a new subsection 7 to read as follows:

7. Procedure. Any member of the board shall have the power to administer oaths and to subpoena and require the attendance of witnesses and the production of books, papers, public records and other relevant documentary evidence pertinent to the dispute and shall do so if requested in writing by any party to the dispute or his representative. Witnesses summonsed by subpoena shall be entitled to witness fees and travel allowance in the amount allowed for appearance in District Court, the costs of same to be advanced by the party requesting the subpoena prior to issuance of same. A state employee subpoenaed under this subsection shall not lose pay to which he would otherwise be entitled.

Sec. 2. R. S., T. 5, § 752, amended. Section 752 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 539 of the public laws of 1967, is amended by adding a new paragraph at the end to read as follows:

In the course of any investigation under this chapter, any member of the board shall have the power to subpoena and require the attendance of witnesses and the production thereby of books, papers, public records and other documentary evidence pertinent to such investigation. In the case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the Superior Court in any county on application of any one of the members of the board may issue an order requiring such person to comply with such subpoena and to testify; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.