

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1857

H. P. 1421

House of Representatives, April 9, 1973

Referred to Committee on Labor. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT to Clarify and Improve the Enforcement of Decisions of the
Public Employees Labor Relations Board.**

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

Sec. 1. R. S., T. 26, § 968, sub-§ 5, ¶ D, amended. Paragraph D of subsection 5 of section 968 of Title 26 of the Revised Statutes, as enacted by section 9 of chapter 609 of the public laws of 1971, is amended to read as follows:

D. If after the issuance of an order by the board requiring any party to cease and desist or to take any other affirmative action, ~~such said party~~ fails to comply with the order of the board then the party in whose favor the order operates may file a civil action in the Superior Court ~~in the county in which the prohibited practice was found to have occurred of~~ **Kennebec County**, to compel compliance with the order of the board. **Upon application of any party, the court may grant such temporary relief or restraining order and may impose such terms and conditions as it deems just and proper; provided that the board's decision shall not be stayed except where it is clearly shown to the satisfaction of the court that substantial and irreparable injury shall be sustained or that there is a substantial risk of danger to the public health or safety.** In such action to **compel compliance** the Superior Court shall not review the action of the board other than to determine whether the board has acted in excess of its jurisdiction. If an action to review the decision of the board is pending at the time of the commencement of an action for enforcement pursuant to this subsection or is thereafter filed, the 2 actions shall be consolidated.

Sec. 2. R. S., T. 26, § 968, sub-§ 5, ¶ F, repealed and replaced. Paragraph F of subsection 5 of section 968 of Title 26 of the Revised Statutes, as enacted by section 9 of chapter 609 of the public laws of 1971, is repealed and the following enacted in place thereof:

F. Either party may seek a review by the Superior Court of Kennebec County of a decision of the Public Employees Labor Relations Board by filing a complaint in accordance with Rule 80B of the Rules of Civil Procedure, provided the complaint shall be filed within 15 days of the effective date of the decision. Upon the filing of the complaint, the court shall set the complaint down for hearing at the earliest possible time and shall cause all interested parties and the board to be notified. Pending review and upon application of any party, the court may grant such temporary relief or restraining order and may impose such terms and conditions as it deems just and proper; provided that the board's decision shall not be stayed except where it is clearly shown to the satisfaction of the court that substantial and irreparable injury shall be sustained or that there is a substantial risk of danger to the public health or safety. The executive director shall forthwith file in the court the record in the proceeding certified by the executive director or a member of the board. The record shall include all documents filed in the proceeding and the transcript, if any. After hearing, which shall be held not less than 7 days after notice thereof, the court may enforce, modify, enforce as so modified or set aside in whole or in part the decision of the board, except that the findings of the board on questions of fact shall be final. Any appeal to the law court shall be the same as an appeal from an interlocutory order under section 6.

STATEMENT OF FACT

The purpose of this bill is reflected in the title.