

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
106TH LEGISLATURE

SENATE AMENDMENT "A " to H.P. 1511, L.D. 1941, Bill, "AN ACT to Create a Maine Agricultural Bargaining Board."

Amend said Bill in the 2nd line of subsection 5 of that part designated "§1956." (same in L.D.) by striking out the underlined figure "§20" and inserting in place thereof the underlined figure '§50'

Further amend said Bill in subsection 6 of that part designated "§1958." by adding after the 2nd sentence a new sentence to read as follows:

'A copy of the complaint shall be served on each alleged violator and said complaint shall contain a short and plain statement of the alleged violation or violations.'

Further amend said Bill in subsection 7 of that part designated "§1958." by striking out in the 3rd line the underlined words "or otherwise" (same in L.D.) and inserting in place thereof the following underlined words: 'with legal counsel if so desired or to be represented by legal counsel'

Further amend said Bill in subsection 7 of that part designated "§1958." by striking out in the 4th line (same in L.D.) the underlined punctuation and words "or the member conducting the hearing,"

Further amend said Bill in subsection 7 of that part designated "§1958." by striking out all of the 3rd sentence and inserting in place thereof the following:

(Filing No. S-194)

'At such hearings a record of all proceedings shall be maintained and common law or statutory rules of evidence shall apply insofar as practicable, and the board shall request that the Attorney General, or any attorney in his department designated by him, be present at such hearings and shall advise the board on procedure and on the admissability of any evidence.'

Further amend said Bill in subsection 8 of that part designated "§1958." by striking out in the 5th and 6th line (same in L.D.) the underlined word "including" and inserting in place thereof the following underlined word: 'excluding'

Further amend said Bill in subsection 1 of that part designated "§1959." by striking out in the 11th and 12th lines (same in L.D.) the underlined words "or the member before whom a hearing was conducted"

Further amend said Bill in subsection 1 of that part designated "§1959." by striking out in the 19th and 20 th lines (same in L.D.) the following words and punctuation: "its member, agent or agency,"

Further amend said Bill in subsection 1 of that part designated "§1959." by striking out in the 21st line (same in L.D.) the underlined words and punctuation ",or a member thereof,"

Further amend said Bill in subsection 1 of that part designated "§1959." by striking out all of the last sentence.

Further amend said Bill in that part designated "§1959." by adding at the end a new subsection 4 to read as follows:

'4. Procedure. The procedure upon judicial review shall be in accordance with rule 80B of the Maine Rules of Civil Procedure, except as otherwise indicated in this section.'

(Filing No. 196)

Further amend said Bill by striking out all of that part designated "§1962." and inserting in place thereof the following:

'§1962. Service

Complaints, orders and other papers of the board shall be served in accordance with the methods provided by the Maine Rules of Civil Procedure.'

Further amend said Bill by striking out all of that part designated "§1963." and inserting in place thereof the following:

'§ 1963. Subpoena

In any proceeding before the board under this Act, the board may issue subpoenas for the attendance of witnesses, or for the production of documents and may examine witnesses under oath provided that:

- 1 Upon written application of a party to a proceeding, the board shall issue subpoenas for the attendance of witnesses or for the production of documents;
2. A person who fails to obey the subpoena of the board may be punished as for contempt of court on application/ to the Superior Court for the county in which such failure occurs;
3. Witnesses who are summoned before the board or its agents shall be entitled to the same witness and mileage fees as are paid to witnesses subpoenaed in the District Courts of the State.'

Statement of Fact

The intent of this amendment is to make the Act consistent with Maine Civil Procedure.

(Tanous)
NAME: *William J. Tanous*
COUNTY: Penobscot

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June 1, 1973 - (Filing No. *S-196*).