

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1467

H. P. 1169 House of Representatives, March 25, 1975
Referred to Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Dam of Skowhegan.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to the Expediting of Procedures under the Municipal Employee Labor Relations Board.

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

Sec. 1. 26 MRSA § 968, sub-§ 5, ¶ B, 2nd sentence, as last amended by PL 1973, c. 788, § 120-A, is further amended to read:

Upon receipt of such complaint, the executive director shall ~~cause~~ serve a copy thereof to be served of the complaint upon the party complained of and shall, within 15 working days of receiving said complaint, serve upon said party and upon the party complaining a notice of hearing before the board. ~~said~~ Said notice shall designate the place of hearing, provided that no hearing shall be held based upon any alleged prohibited practice occurring more than 6 months prior to the filing of the complaint with the executive director.

Sec. 2. 26 MRSA § 968, sub-§ 5, ¶ B, as repealed and replaced by PL 1971, c. 609, § 9, is amended by inserting before the last sentence a new sentence to read:

The hearing on said complaint shall be held within 15 working days after its receipt by the executive director.

Sec. 3. 26 MRSA § 968, sub-§ 5, ¶ C, 1st sentence, as repealed and replaced by PL 1971, c. 609, sub-§ 9, is amended to read:

After hearing and argument if, upon a preponderance of the evidence received, the board shall be of the opinion that any party named in the complaint has engaged in or is engaging in any such prohibited practice, then the board shall, within 30 days of said hearing, in writing state its findings

of fact and the reasons for its conclusions and shall issue and cause to be served upon such party an order requiring such party to cease and desist from such prohibited practice and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this chapter.

Sec. 4. 26 MRSA § 968, sub-§ 5, ¶ C, last paragraph, as repealed and replaced by PL 1971, c. 609, § 9, is amended to read:

After hearing and argument if, upon a preponderance of the evidence received, the board shall not be of the opinion that the party named in the complaint has engaged in or is engaging in any such prohibited practice, then the board shall, **within 30 days of said hearing**, in writing state its findings of fact and the reasons for its conclusions and shall issue an order dismissing said complaint.

STATEMENT OF FACT

This bill is designed to solve a very real problem that currently exists by setting the outside time by which the Public Employees Labor Relations Board must render decisions following the hearing of prohibited employment practice complaint. As it now exists cases have been known to drag on for undetermined periods of time causing grave and harmful consequences to employees and employers. As it is stated in Title 26, section 961, it is the policy of the State to foster improvement in the relationship between public employees and employers and this bill can add immeasurably to this stated policy by requiring expediency in the handling of prohibited practice disputes.