

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-1074)
107TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to H.P. 1961, L.D. 2148, Bill,
"AN ACT to Amend the Procedures of the Maine Labor Relations
Board."

Amend said Bill by striking out all of section 18 and
inserting in place thereof the following:

'Sec. 18. 26 MRSA §1029, sub-§2, as enacted by PL
1975, c. 603, §1, is repealed and the following enacted
in place thereof:

2. Complaints. The university, any university employee,
organization, the academy, any academy employee, any academy
employee organization or any bargaining agent which believes
that any person, the university, any university employee, any
university employee organization, the academy, any academy employee
any academy employee organization or any bargaining agent
has engaged in or is engaging in any such prohibited practice
may file a complaint with the executive director of the board
stating the charges in that regard. No such complaint shall
be filed with the executive director until the complaining party
shall have served a copy thereof upon the party named in the
complaint.
/ Upon receipt of such complaint, the executive director or
his designee shall review the charge to determine whether
the facts as alleged may constitute a prohibited act. If
it is determined that the facts do not, as a matter of law,
constitute a violation, the charge shall be dismissed by the
executive director, subject to review by the board. If a

formal hearing is deemed necessary by the executive director or by the board, the executive director shall serve upon the parties to the complaint a notice of the prehearing conference and of the hearing for the prehearing conference or the hearing, as appropriate, 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. The party complained of shall have the right to file a written answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed for the hearing. In the discretion of the board, any other person or organization may be allowed to intervene in that proceeding and to present testimony. Nothing in this subsection shall restrict the right of the board to require the executive director or his designee to hold a prehearing conference on any prohibited practice complaint prior to the hearing before the board and taking whatever action, including dismissal, attempting to resolve disagreements between the parties or recommending an order to the board, as he may deem appropriate, subject to review by the board.'

Further amend said Bill by inserting at the end, before the Statement of Fact, the following:

'Sec. 20. PL 1975, c. 671, §23, is repealed.

Sec. 21. Effective date. Sections 18 and 20 of this Act shall become effective 91 days after adjournment of the Legislature.'

Statement of Fact

The purpose of this amendment is to consolidate the language in this bill with language in chapter 671 of the public laws of 1975 so as to avoid an inconsistency in the law after the end of this session.

Filed by Mr. Tierney of Durham.

Reproduced and distributed under the direction of the Clerk of the House.
3/24/76

(Filing No. H-1074)