

MAINE STATE LEGISLATURE

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L.D. 1645

(Filing No. S- 300)

STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to HOUSE AMENDMENT "B" to
S.P. 628, L.D. 1645, Bill, "AN ACT Relating to the
Administration of Vocational Education."

Amend the amendment in that part designated
"§12554." in subsection 8, in the 2nd line (page 9,
line 5 in amendment) by striking out the underlined
words "and assistant directors" and in the 4th and
5th lines (page 9, lines 7 and 8 in amendment) by
striking out the underlined words "and assistant
directors" and in the last line (page 9, line 9 in
amendment) by striking out the underlined word
"commissioner" and inserting in its place the follow-
ing: 'board'

Further amend the amendment in that part desig-
nated "§12556." in subsection 1, by inserting at the
end the following:

'A. The directors of each institute shall ap-
point assistant directors who shall serve at the
pleasure of the director.'

Further amend the amendment in section 16, by
striking out all of subsection 2 and inserting in its
place the following:

'2. Complaints. The university, any university
employee, any university employee organization, the
academy, any academy employee, any academy employee
organization, the vocational-technical institutes,
any vocational-technical institute employee, any
vocational-technical institute employee organization,
the state schools for practical nursing, any state
school for practical nursing employee, any state
school for practical nursing employee organization or
any bargaining agent which believes that any person,

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SENATE AMENDMENT " A " to HOUSE AMENDMENT "B" to S.P. 628, L.D. 1645

1 the university, any university employee, any univer-
2 sity employee organization, the academy, any academy
3 employee, any academy employee organization, the
4 vocational-technical institutes, any
5 vocational-technical institute employee, any
6 vocational-technical institute employee organization,
7 the state schools for practical nursing, any state
8 school for practical nursing employee, any state
9 school for practical nursing employee organization or
10 any bargaining agent has engaged in or is engaging in
11 any such prohibited practice may file a complaint
12 with the ~~executive director~~ commissioner of the board
13 stating the charges in that regard. No such com-
14 plaint shall be filed with the ~~executive director~~
15 commissioner until the complaining party shall have
16 served a copy thereof upon the party named in the
17 complaint. Upon receipt of such complaint, the ~~execu-~~
18 ~~tive director~~ commissioner or his designee shall re-
19 view the charge to determine whether the facts as al-
20 leged may constitute a prohibited act. If it is de-
21 termined that the facts do not, as a matter of law,
22 constitute a violation, the charge shall be dismissed
23 by the ~~executive director~~ commissioner, subject to
24 review by the board. If a formal hearing is deemed
25 necessary by the ~~executive director~~ commissioner or
26 by the board, the ~~executive director~~ commissioner
27 shall serve upon the parties to the complaint a no-
28 tice of the prehearing conference and of the hearing
29 for the prehearing conference or the hearing, as ap-
30 propriate, provided that no hearing shall be held
31 based upon any alleged prohibited practice occurring
32 more than 6 months prior to the filing of the com-
33 plaint with the ~~executive director~~ commissioner. The
34 party complained of shall have the right to file a
35 written answer to the complaint and to appear in per-
36 son or otherwise and give testimony at the place and
37 time fixed for the hearing. In the discretion of the
38 board, any other person or organization may be al-
39 lowed to intervene in that proceeding and to present
40 testimony. Nothing in this subsection shall may re-
41 strict the right of the board to require the ~~execu-~~
42 ~~tive director~~ commissioner or his designee to hold a

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SENATE AMENDMENT "A " to HOUSE AMENDMENT "B" to S.P. 628, L.D. 1645

1 prehearing conference on any prohibited practice com-
2 plaint prior to the hearing before the board and tak-
3 ing whatever action, including dismissal, attempting
4 to resolve disagreements between the parties or rec-
5 ommending an order to the board, as he may deem ap-
6 propriate, subject to review by the board.'

7 Further amend the amendment in section 21, in the
8 first and 2nd lines (page 30, lines 19 and 20 in
9 amendment) by striking out the words "may appoint an
10 executive director and" and inserting in their place
11 the words 'shall appoint'

12 STATEMENT OF FACT

13 This amendment provides that the directors of
14 each institute, who are appointed by the commission-
15 er, shall serve at the pleasure of the board which is
16 the policy-making authority and has administrative
17 oversight over the institute. The directors of the
18 institutes are authorized to employ assistant direc-
19 tors who serve at the pleasure of the directors.

20 4447061785

21 (Sen. Kany)
22 SPONSORED BY: Judy C. Kany
23 COUNTY: Kennebec

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