

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with  
the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1969

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
**One Hundred and Third Legislature**  
AT THE  
SPECIAL SESSIONS

October 2-3, 1967  
January 9-26, 1968  
September 18, 1968

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Any balance shall not lapse but shall be carried forward from year to year to be expended for the same purposes.

**Sec. 3. Effective date.** Section 2 of this Act shall become effective 91 days after adjournment of the Legislature.

Effective April 26, 1968, except section 2 effective April 27, 1968

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## Chapter 539

### AN ACT Establishing a State Employees Appeals Board.

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

**Sec. 1. R. S., T. 5, c. 63, additional.** Title 5 of the Revised Statutes is amended by adding a new chapter 63, to read as follows:

### CHAPTER 63

#### STATE EMPLOYEES APPEALS BOARD

##### § 751. State Employees Appeals Board

There is established an impartial board of arbitration to be known as the State Employees Appeals Board which shall consist of 3 members to be appointed by the Governor, with the advice and consent of the Executive Council, from persons not employed by the State of Maine and who have established background positively indicating a capacity to mediate grievances between management and labor, one of whom shall be an attorney admitted to practice law in this State. Of those members first appointed, one shall be appointed for a term of one year, one for 2 years and one for 3 years. Their successors shall be appointed for 3 years. The compensation of the members of the board shall be fixed by the Governor and Council. The members of the board shall receive their necessary expenses.

The board shall:

1. **Administration.** Administer this chapter. In exercising its administration, the board may promulgate operating policies, establish organizational and operational procedures, and exercise general supervision. The board shall employ, subject to the Personnel Law, such assistants as may be necessary to carry out the purposes of this chapter.

2. **Rules and regulations.** Promulgate such rules and regulations as are necessary to effectuate the purposes of this chapter.

3. **Report.** Report biennially to the Governor and Legislature facts and recommendations relating to the administration and needs of the board.

§ 752. Mediation authority

The board shall have the authority to mediate the final settlement of all grievances and disputes between individual state employees, both classified and unclassified, and their respective state agencies, except in matters of classification and compensation. All complaints between a state employee and the state agency by which he is employed shall be made and heard in the manner provided by this chapter for the mediation and settlement of such complaints. During the procedure for settlement, an employee may be represented at each step by his designated representative. The decision of the board shall be final and binding upon the state agency and state employees involved in the dispute, and shall supersede any prior action taken by the state agency with reference to the employment and working conditions of such employees.

§ 753. Procedure for settlement

A grievance or dispute between a state employee and the agency of the State by whom he is employed shall be entertained by the board upon the application of the employee, providing there shall have been compliance with the following requirements;

1. Adjust dispute. That the employee aggrieved by the dispute and the employee or his representative, or both, shall have attempted to adjust the dispute with the employee's immediate supervisor.

2. Grievance in writing. If the employee is dissatisfied with the oral decision of his immediate supervisor, he may present the grievance to his supervisor again, this time in written form. The supervisor is then required to make his decision in writing and present it to the employee within 3 working days.

3. Appeal to department head. If the employee is dissatisfied with the supervisor's written decision, he then may appeal, in writing, to the department head. Within 3 working days, the employee shall receive, in writing, the department head's decision.

4. Meeting. If the employee is dissatisfied with the department head's written decision, the department head shall meet with the employee or his representative, or both, and attempt to adjust the dispute. At least one day prior to such meeting, the employee's representative, if any, shall have access to the work location of the employee involved during the working hours for the purpose of investigating the causes of the grievance.

5. Appeal to Director of Personnel. If the classified employee is dissatisfied with the decision, following a meeting with the department head, he shall appeal to the Director of Personnel who shall, within 6 working days, reply in writing, to the aggrieved employee and the department head involved in his decision, based on the state's personnel law and rules.

6. Submission to board. In the event the grievance shall not have been satisfactorily adjusted within 2 weeks under subsections 1 to 5, the dispute shall be submitted to the board which shall investigate the matters in controversy, shall hear all interested persons who come before it, and make a written decision thereof, which shall be binding on the parties involved. The board's written decision shall be issued within 30 days after the dispute is submitted, unless both parties agree that an extension of this time limit should be allowed.

**Sec. 2. R. S., T. 5, § 678, repealed and replaced.** Section 678 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 678. Dismissal and disciplinary action**

An appointing authority may dismiss, suspend or otherwise discipline an employee for cause. This right is subject to the right of appeal and arbitration of grievances set forth in sections 751 to 753.

**Sec. 3. Appropriation.** There is appropriated from the General Fund to the State Employees Appeals Board the sum of \$1,800 for the fiscal year ending June 30, 1968 and the sum of \$3,000 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act. The breakdown shall be as follows:

	1967-68	1968-69
STATE EMPLOYEES APPEALS BOARD		
All Other	\$1,800	\$3,000

Effective April 26, 1968

## Chapter 540

### AN ACT to Correct Errors and Inconsistencies in the Education Laws.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, errors and inconsistencies in the education laws have resulted in confusions and misunderstandings in interpreting the education laws; and

Whereas, the following legislation is vitally necessary to prevent undue hardship on those Maine citizens who are vitally interested in educating the youth of our State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., T. 20, § 154, amended.** The 3rd sentence of section 154 of Title 20 of the Revised Statutes, as repealed and replaced by section 1 of Section C of chapter 191 of the private and special laws of 1967, is amended to read as follows:

Upon approval of said certificate, the superintendent so employed shall, on presentation of proper vouchers, receive ~~monthly~~ **at intervals to be determined by the commissioner** out of the sum appropriated for general purpose aid for the unit an amount in accordance with section 3723.