

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 380

S.P. 168

Received by the Secretary, February 5, 1991

Submitted by the Department of Labor pursuant to Joint Rule 24.
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland

Cosponsored by Senator ESTY of Cumberland, Representative HASTINGS of Fryeburg and Representative RUHLIN of Brewer.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Appointment Process for the Panel of Mediators.



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

2
4 Sec. 1. 26 MRSA §892, as amended by PL 1983, c. 812, §160, is further amended to read:

6 **§892. Panel**

8 A panel of mediators, as established by Title 5, section
10 ~~12002~~ 12004-B, subsection 3, to consist of not less than 5 nor
12 more than 10 impartial members, shall must be appointed by the
14 Governor, ~~with the advise and consent of the Council,~~ from time
16 to time upon the expiration of the terms of the several members,
18 for terms of 3 years. ~~They shall be chosen by the Governor from a~~
20 ~~list, containing at least 5 times as many names as the number of~~
22 ~~persons to be chosen, supplied at least once a year by the~~ The
24 Maine Labor Relations Board shall supply to the Governor
26 nominations for filling vacancies. Vacancies occurring during a
term shall ~~be~~ are filled for the unexpired term. Members of the
panel shall ~~be compensated~~ are entitled to compensation according
to the provisions of Title 5, chapter 379. The costs for services
rendered and expenses incurred by the panel shall ~~be~~ are paid by
the State from an appropriation for said the panel which shall
must be included in the budget of the Maine Labor Relations
Board. Authorization for services rendered and expenditures
incurred by members of the panel shall ~~be~~ is the responsibility
of the Executive Director of the Maine Labor Relations Board.

28 Sec. 2. 26 MRSA §965, sub-§2, ¶C, as amended by PL 1987, c.
30 468, §§2 and 4, is further amended to read:

32 C. A panel of mediators, to consist of not less than 5 nor
34 more than 10 impartial members, shall must be appointed by
the Governor from time to time upon the expiration of the
terms of the several members, for terms of 3 years. ~~They~~
~~shall be chosen by the Governor from a list, containing at~~
~~least 5 times as many names as the number of persons to be~~
~~chosen, supplied at least once a year by the~~ The Maine Labor
Relations Board shall supply to the Governor nominations for
filling vacancies. Vacancies occurring during a term shall
be are filled for the unexpired term. Members of the panel
shall ~~each receive~~ are entitled to \$100 a day beginning July
1, 1988, for ~~their~~ services for the time actually employed
in the discharge of their official duties and shall also
44 ~~receive their~~ are entitled to traveling and all other
necessary expenses. The costs for services rendered and
46 expenses incurred by members of the panel of mediators shall
be are paid by the State for those mediation cases not
48 exceeding 3 days in length from an appropriation for the
panel which shall must be included in the budget of the
50 ~~Public Employees~~ Maine Labor Relations Board. Any costs for
services rendered and expenses incurred by the panel of
52 mediators beyond the 3rd mediation day per case shall must

2 be shared equally by the parties to the proceedings, except
3 that on a showing by either party that the payment would
4 impose undue financial hardship, the executive director may
5 waive all or part of the obligation. The amount waived shall
6 must be paid from the above-mentioned appropriation.
7 Authorization for services rendered and expenditures
8 incurred by members of the panel shall--be is the
9 responsibility of the Executive Director of the Maine Labor
10 Relations Board.

12 STATEMENT OF FACT

14 Because of a shortage of trained, experienced mediators, the
15 Maine Labor Relations Board at times has been unable to provide
16 the Governor with sufficient viable candidates to fill
17 vacancies. This bill removes the requirement that 5 names be
18 submitted to the Governor for each vacancy to ensure that only
19 well-qualified persons appear on the list from which the Governor
20 makes a selection.