

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 310

S.P. 107

In Senate, February 4, 1993

An Act to Require the State to Pay for Mediation Sessions.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HANDY of Androscoggin.
Cosponsored by Representative RUHLIN of Brewer.

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

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3 Sec. 1. 26 MRSA §965, sub-§2, ¶C, as amended by PL 1991, c.
4 798, §4, is further amended to read:

6 C. The Panel of Mediators, consisting of not less fewer
7 than 5 nor more than 10 impartial members, must be appointed
8 by the Governor from time to time upon the expiration of the
9 terms of the several members, for terms of 3 years. The
10 Maine Labor Relations Board shall supply to the Governor
11 nominations for filling vacancies. Vacancies occurring
12 during a term must be filled for the unexpired term. Members
13 of the panel are entitled to \$100 a day beginning July 1,
14 1988, for services for the time actually employed in the
15 discharge of their official duties and also are entitled to
16 traveling and all other necessary expenses. The costs for
17 services rendered and expenses incurred by members of the
18 panel ~~and any state cost allocation program charges for~~
19 ~~those mediation cases not exceeding 3 days in length must be~~
20 ~~shared equally by the parties to the proceedings and must be~~
21 ~~paid into a special fund administered by the State from an~~
22 ~~appropriation for the panel that must be included in the~~
23 ~~budget of the Maine Labor Relations Board. Any costs for~~
24 ~~services rendered and expenses incurred by the Panel of~~
25 ~~Mediators beyond the 3rd mediation day of a case must be~~
26 ~~shared equally by the parties to the proceedings, except~~
27 ~~that, on a showing by either party that the payment would~~
28 ~~impose undue financial hardship, the executive director may~~
29 ~~waive all or part of the obligation. The amount waived must~~
30 ~~be paid from the appropriation. Authorization for services~~
31 ~~rendered and expenditures incurred by members of the panel~~
32 ~~is the responsibility of the Executive Director of the Maine~~
33 ~~Labor Relations Board executive director. All costs must be~~
34 ~~paid from that special fund. The executive director may~~
35 ~~estimate costs upon receipt of a request for services and~~
36 ~~collect those costs prior to providing the services. The~~
37 ~~executive director shall bill or reimburse the parties, as~~
38 ~~appropriate, for any difference between the estimated costs~~
39 ~~that were collected and the actual costs of providing the~~
40 ~~services. Once one party has paid its share of the~~
41 ~~estimated cost of providing the service, the mediator is~~
42 ~~assigned. A party who has not paid an invoice for the~~
43 ~~estimated or actual cost of providing services within 60~~
44 ~~days of the date the invoice was issued is, in the absence~~
45 ~~of good cause shown, liable for the amount of the invoice~~
46 ~~together with a penalty in the amount of 25% of the amount~~
47 ~~of the invoice. Any penalty amount collected pursuant to~~
48 ~~this provision remains in the special fund administered by~~
49 ~~the Maine Labor Relations Board and that fund does not~~
50 ~~lapse. The executive director is authorized to collect any~~

2 ~~sums due and payable pursuant to this provision through~~
3 ~~civil action. In such an action, the court shall allow~~
4 ~~litigation costs, including court costs and reasonable~~
5 ~~attorney's fees, to be deposited in the General Fund if the~~
6 ~~executive director is the prevailing party in the action.~~

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10 **STATEMENT OF FACT**

11 This bill restores state funding for state-provided
12 mediation services under the municipal public employees labor
13 relations laws.
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