

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

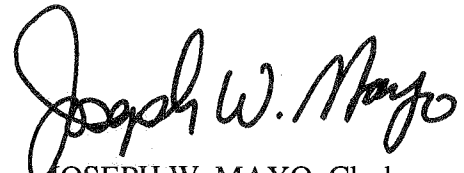
No. 358

H.P. 294

House of Representatives, January 23, 1997

**An Act to Restore State Funding for Mediation Services Provided by the
Maine Labor Relations Board.**

Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative SAMSON of Jay.
Cosponsored by Senator TREAT of Kennebec and
Representatives: AHEARNE of Madawaska, BAKER of Dixfield, HATCH of Skowhegan,
KONTOS of Windham, LEMAIRE of Lewiston.

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

2
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 paid by the State from
22 an 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
civil--action---In--such--an--action--the--court--shall--allow
4 litigation--costs--including--court--costs--and--reasonable
attorney's--fees--to--be--deposited--in--the--General--Fund--if--the
6 executive--director--is--the--prevailing--party--in--the--action.

8 **SUMMARY**

10 This bill restores state funding for mediation services
provided by the State under the municipal public employees labor
12 relations laws.