

# MAINE STATE LEGISLATURE

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12 the House.

14 STATE OF MAINE  
16 HOUSE OF REPRESENTATIVES  
18 118TH LEGISLATURE  
20 FIRST SPECIAL SESSION

18

20 COMMITTEE AMENDMENT "A" to H.P. 1001, L.D. 1393, Bill, "An  
22 Act Amending the Compensation for Members of the Panel of  
24 Mediators"

22

24 Amend the bill by inserting after the title and before the  
26 enacting clause the following:

26

28 'Mandate preamble. This measure requires one or more local  
30 units of government to expand or modify activities so as to  
32 necessitate additional expenditures from local revenues but does  
not provide funding for at least 90% of those expenditures.  
Pursuant to the Constitution of Maine, Article IX, Section 21,  
two thirds of all of the members elected to each House have  
determined it necessary to enact this measure.'

34

36 Further amend the bill in section 1 in paragraph C in the  
11th line (page 1, line 16 in L.D.) by striking out the  
following: "every" and inserting in its place the following:  
'up to'

38

40 Further amend the bill in section 1 in paragraph C in the  
12th line (page 1, line 17 in L.D.) by inserting after the  
following: "provided" the following: 'and \$100 for each  
42 consecutive period of up to 4 hours thereafter'

44

46 Further amend the bill in section 1 in paragraph C in the  
13th line (page 1, line 18 in L.D.) by inserting after the  
following: "." the following: 'Notwithstanding the provisions  
of Title 5, section 12003-A, subsection 9, members of the panel

COMMITTEE AMENDMENT

1 who provide mediation services in more than one dispute in a  
2 given day are entitled to the compensation as provided in this  
3 paragraph in each such case. The necessary expenses incurred by  
4 the members must be allocated to the mediation session that  
5 required the costs.'

6  
7 Further amend the bill by inserting after section 1 the  
8 following:

9  
10 'Sec. 2. 26 MRSA §892, as amended by PL 1991, c. 798, §2, is  
11 further amended to read:

12 **§892. Panel**

13  
14 The Panel of Mediators, as established by Title 5, section  
15 12004-B, subsection 3, consisting of not less than 5 nor more  
16 than 10 impartial members, must be appointed by the Governor from  
17 time to time upon the expiration of the terms of the several  
18 members, for terms of 3 years. The Maine Labor Relations Board  
19 shall supply to the Governor nominations for filling vacancies.  
20 Vacancies occurring during a term must be filled for the  
21 unexpired term. Members of the panel are entitled to compensation  
22 according to ~~Title 5, chapter 379~~ section 965, subsection 2,  
23 paragraph C. The costs for services rendered and expenses  
24 incurred by the panel and any applicable state cost allocation  
25 program charges must be shared equally by the parties to  
26 mediation and must be paid into a special fund administered by  
27 the Maine Labor Relations Board. Authorization for services  
28 rendered and expenditures incurred by members of the panel is the  
29 responsibility of the Executive Director of the Maine Labor  
30 Relations Board. All costs must be paid from that special fund.  
31 The executive director may estimate costs upon receipt of a  
32 request for services and collect those costs prior to providing  
33 the services. The executive director shall bill or reimburse the  
34 parties, as appropriate, for any difference between the estimated  
35 costs that were collected and the actual costs of providing the  
36 services. Once one party has paid its share of the estimated  
37 cost of providing the service, the mediator is assigned. A party  
38 who has not paid an invoice for the estimated or actual cost of  
39 providing services within 60 days of the date the invoice was  
40 issued is, in the absence of good cause shown, liable for the  
41 amount of the invoice together with a penalty in the amount of  
42 25% of the amount of the invoice. Any penalty amount collected  
43 pursuant to this provision remains in the special fund  
44 administered by the Maine Labor Relations Board and that fund  
45 does not lapse. The executive director is authorized to collect  
46 any sums due and payable pursuant to this provision through civil  
47 action. In such an action, the court shall allow litigation  
48 costs, including court costs and reasonable attorney's fees, to  
49 be deposited in the General Fund if the executive director is the  
50 prevailing party in the action.



2 intent of the original bill by clarifying the method of  
calculating the amount of compensation due to the members of the  
4 panel. Members are compensated in the amount of \$100 for the  
first 4 hours of mediation services provided, and \$100 for each  
6 consecutive period of up to 4 hours thereafter. The amendment  
further clarifies that members must be compensated for each case  
8 handled in a single day according to the calculation method  
provided. This provision expressly overrides the provisions of  
10 the Maine Revised Statutes, Title 5, section 12003-A, subsection  
9, which prohibits members of boards established by the  
12 Legislature from being compensated for more than one meeting in a  
single day. The amendment also requires members to allocate  
14 their necessary expenses to the mediation session that required  
the costs. Finally, the amendment provides a necessary  
16 cross-reference in Title 26, section 892 and also adds a fiscal  
note.

**COMMITTEE AMENDMENT**