

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 4-29-99

(Filing No. H-357)

MAJORITY
LABOR

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 564, L.D. 785, Bill, "An Act to Restore State Funding for Mediation Services Provided by the Maine Labor Relations Board"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 26 MRSA §965, sub-§2, ¶C, as amended by PL 1997, c. 412, §2, is repealed and the following enacted in its place:

C. The Panel of Mediators, consisting of not less than 5 nor more than 10 impartial members, 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. The Maine Labor Relations Board shall supply to the Governor nominations for filling vacancies. Vacancies occurring during a term must be filled for the unexpired term.

(1) Members of the panel are entitled to a fee for services in the amount of \$100 for up to 4 hours of mediation services provided and \$100 for each consecutive period of up to 4 hours thereafter and also are entitled to travel and all other necessary expenses. Notwithstanding the provisions of Title 5, section 12003-A, subsection 9, members of the panel who provide mediation services in more than one dispute in a given day are entitled to the compensation as provided in this subparagraph in each case. The necessary expenses incurred by the members must be allocated to the mediation session that required the costs.

COMMITTEE AMENDMENT

2 (2) The costs for services rendered and expenses
4 incurred by members of the panel for the first 3 days
6 of mediation of a case must be paid by the State from
 an appropriation for the panel that must be included in
 the budget of the Maine Labor Relations Board.

8 (3) The costs for services rendered and expenses
10 incurred by the panel of mediators beyond the 3rd
12 mediation day of a case must be shared equally by the
14 parties to the proceedings. The executive director may
16 estimate costs to the parties upon receipt of a request
18 for services and collect those costs prior to providing
20 the services. Upon a showing by either party that the
22 payment would impose undue financial hardship, the
24 executive director may waive all or part of the
26 obligation. The amount waived must be paid by the
28 Maine Labor Relations Board from the appropriation
30 provided pursuant to subparagraph (2). The executive
32 director shall bill or reimburse the parties, as
34 appropriate, for any difference between the estimated
36 costs that were collected and the actual costs of
38 providing the services, after deducting the amounts
40 paid by the State pursuant to subparagraph (2).
42 Amounts collected pursuant to this subparagraph must be
 placed in a special nonlapsing fund administered by the
 Maine Labor Relations Board. A party who has not paid
 an invoice for the estimated or actual cost of
 providing services within 60 days of the date the
 invoice was issued is liable, in the absence of good
 cause shown, for the amount of the invoice together
 with a penalty in the amount of 25% of the amount of
 the invoice. Any penalty amount collected pursuant to
 this provision remains in the special fund administered
 by the Maine Labor Relations Board. The executive
 director is authorized to collect any sums due and
 payable pursuant to this provision through civil
 action. In such an action, the court shall allow
 litigation costs, including court costs and reasonable
 attorney's fees, to be deposited in the General Fund if
 the executive director is the prevailing party in the
 action.

44 (4) Authorization for services rendered and
46 expenditures incurred by members of the panel is the
 responsibility of the executive director.

48 **Sec. 2. Appropriation.** The following funds are appropriated
 from the General Fund to carry out the purposes of this Act.

R & S

COMMITTEE AMENDMENT "A" to H.P. 564, L.D. 785

2 1999-00 2000-01

4 **LABOR, DEPARTMENT OF**

6 **Labor Relations Board**

8 Personal Services \$25,300 \$33,750
 10 All Other 6,463 8,600

12 Provides funds for per diem
 14 and expenses required from
 16 the transfer of the
 18 responsibility of payment of
 mediation services from the
 parties of the mediation to
 the State.

18 **DEPARTMENT OF LABOR**

20 **TOTAL** \$31,763 \$42,350

22 **Sec. 3. Allocation.** The following funds are allocated from
 24 Other Special Revenue funds to carry out the purposes of this Act.

26 1999-00 2000-01

28 **LABOR, DEPARTMENT OF**

30 **Labor Relations Board**

32 Personal Services (\$25,300) (\$33,750)
 34 All Other (6,463) (8,600)

36 Deallocates funds no longer
 38 required for per diem and
 40 expenses from the transfer of
 responsibility of payment of
 mediation services from the
 parties of the mediation to
 the State.

42 **DEPARTMENT OF LABOR**

44 **TOTAL** (\$31,763) (\$42,350)

46 Further amend the bill by inserting at the end before the
 summary the following:

48

COMMITTEE AMENDMENT "A" to H.P. 564, L.D. 785

FISCAL NOTE

2

1999-00

2000-01

4

APPROPRIATIONS/ALLOCATIONS

6

General Fund

\$31,763

\$42,350

8

Other Funds

(31,763)

(42,350)

10

REVENUES

12

General Fund

(\$1,463)

(\$1,950)

14

16

18

20

22

The bill includes General Fund appropriations of \$31,763 and \$42,350 in fiscal years 1999-00 and 2000-01, respectively, to the Maine Labor Relations Board in the Department of Labor to provide mediation services with state funding rather than assessing fees to the parties of the mediation proceedings. The bill also includes deallocations from the Maine Labor Relations Board's Other Special Revenue funds account of \$31,763 and \$42,350 in fiscal years 1999-00 and 2000-01, respectively, which will no longer be required.

24

26

28

Changing the funding source for mediation services will reduce General Fund revenue by \$1,463 and \$1,950 in fiscal years 1999-00 and 2000-01, respectively, from a reduction in STA CAP revenue.'

30

SUMMARY

32

34

36

38

40

42

This amendment replaces the bill. It restructures the paragraph of law providing for mediation of disputes under the municipal public employees labor relations laws to improve its readability. This provision also applies to the other public sector labor relations laws, through cross-references contained in those laws. The amendment contains the same substantive changes as the bill, which provide that the State pays for the first 3 days of mediation of disputes and the parties share equally the costs of mediation sessions after the first 3 days. The amendment also adds an appropriation section, an allocation section and a fiscal note to the bill.