

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 785

H.P. 564

House of Representatives, January 28, 1999

**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.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator DOUGLASS of Androscoggin and
Representatives: JABAR of Waterville, MATTHEWS of Winslow, SAMSON of Jay, SAXL
of Portland, SHIAH of Bowdoinham, SKOGLUND of St. George, TUTTLE of Sanford,
VOLENIK of Brooklin.

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

2
4 **Sec. 1. 26 MRSA §965, sub-§2, ¶C,** as amended by PL 1997, c.
412, §2, is further amended to read:

6 C. The Panel of Mediators, consisting of not less than 5
8 nor more than 10 impartial members, must be appointed by the
10 Governor from time to time upon the expiration of the terms
12 of the several members, for terms of 3 years. The Maine
14 Labor Relations Board shall supply to the Governor
16 nominations for filling vacancies. Vacancies occurring
18 during a term must be filled for the unexpired term.
20 Members of the panel are entitled to a fee for services in
22 the amount of \$100 for up to 4 hours of mediation services
24 provided and \$100 for each consecutive period of up to 4
26 hours thereafter and also are entitled to traveling and all
28 other necessary expenses. Notwithstanding the provisions of
30 Title 5, section 12003-A, subsection 9, members of the panel
32 who provide mediation services in more than one dispute in a
34 given day are entitled to the compensation as provided in
36 this paragraph in each such case. The necessary expenses
38 incurred by the members must be allocated to the mediation
40 session that required the costs. The costs for services
42 rendered and expenses incurred by members of the panel and
44 ~~any--state--cost--allocation--program--charges for those~~
46 ~~mediation cases not exceeding 3 days in length must be~~
48 ~~shared--equally--by--the--parties--to--the--proceedings--and--must--be~~
50 ~~paid--into--a--special--fund--administered--by--the--State--from--an~~
 ~~appropriation for the panel that must be included in the~~
 ~~budget of the Maine Labor Relations Board. Any costs for~~
 ~~services rendered and expenses incurred by the panel of~~
 ~~mediators beyond the 3rd mediation day of a case must be~~
 ~~shared equally by the parties to the proceedings, except~~
 ~~that, on a showing by either party that the payment would~~
 ~~impose undue financial hardship, the executive director may~~
 ~~waive all or part of the obligation. The amount waived must~~
 ~~be paid from the appropriation. Authorization for services~~
 ~~rendered and expenditures incurred by members of the panel~~
 ~~is the responsibility of the Executive-Director-of-the-Maine~~
 ~~Labor-Relations-Board executive director. All-costs-must-be~~
 ~~paid--from--that--special--fund.---The--executive--director--may~~
 ~~estimate--costs--upon--receipt--of--a--request--for--services--and~~
 ~~collect--those--costs--prior--to--providing--the--services.---The~~
 ~~executive--director--shall--bill--or--reimburse--the--parties,--as~~
 ~~appropriate,--for--any--difference--between--the--estimated--costs~~
 ~~that--were--collected--and--the--actual--costs--of--providing--the~~
 ~~services.---Once--one--party--has--paid--its--share--of--the~~
 ~~estimated--cost--of--providing--the--service,--the--mediator--is~~
 ~~assigned.---A--party--who--has--not--paid--an--invoice--for--the~~
 ~~estimated--or--actual--cost--of--providing--services--within--60~~

2 days of the date the invoice was issued is, in the absence
of good cause shown, liable for the amount of the invoice
4 together with a penalty in the amount of 25% of the amount
of the invoice. Any penalty amount collected pursuant to
6 this provision remains in the special fund administered by
the Maine Labor Relations Board and that fund does not
8 lapse. The executive director is authorized to collect any
sums due and payable pursuant to this provision through
10 civil action. In such an action, the court shall allow
litigation costs, including court costs and reasonable
12 attorney's fees, to be deposited in the General Fund if the
executive director is the prevailing party in the action.

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SUMMARY

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

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