

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1158

H.P. 851

House of Representatives, March 7, 2007

### An Act To Increase the Per Diem for Members of the State Board of Arbitration and Conciliation

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Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WEBSTER of Freeport.

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

2 **Sec. 1. 26 MRSA §931, first ¶**, as amended by PL 2003, c. 670, §1, is further  
3 amended to read:

4 The State Board of Arbitration and Conciliation, in this subchapter called the "board,"  
5 consists of 3 members appointed by the Governor from time to time upon the expiration  
6 of the terms of the several members, for terms of 3 years. One member must be an  
7 employer of labor or selected from some association representing employers of labor, and  
8 another must be an employee or selected from some bona fide trade or labor union. The  
9 3rd member must represent the public interests of the State and serves as chair. Vacancies  
10 occurring during a term must be filled for the unexpired term. Members of the board are  
11 entitled to receive ~~\$75~~ \$150 a day for their services for the time actually employed in the  
12 discharge of their official duties. They are entitled to receive their traveling and all other  
13 necessary expenses. The costs for services rendered and expenses incurred by the State  
14 Board of Arbitration and Conciliation and any state allocation program charges must be  
15 shared equally by the parties to the proceedings and must be paid into a special fund  
16 administered by the Maine Labor Relations Board. Authorization for services rendered  
17 and expenditures incurred by the State Board of Arbitration and Conciliation is the  
18 responsibility of the Executive Director of the Maine Labor Relations Board. All costs  
19 must be paid from that special fund. The executive director may estimate costs upon  
20 receipt of a request for services and collect those costs prior to providing the services.  
21 The executive director shall bill or reimburse the parties, as appropriate, for any  
22 difference between the estimated costs that were collected and the actual costs of  
23 providing the services. Once one party has paid its share of the estimated cost of  
24 providing the service, the matter is scheduled for hearing. A party who has not paid an  
25 invoice for the estimated or actual cost of providing services within 60 days of the date  
26 the invoice was issued is, in the absence of good cause shown, liable for the amount of  
27 the invoice together with a penalty in the amount of 25% of the amount of the invoice.  
28 Any penalty amount collected pursuant to this provision remains in the special fund  
29 administered by the Maine Labor Relations Board and that fund does not lapse. The  
30 executive director is authorized to collect any sums due and payable pursuant to this  
31 provision through civil action. In such an action, the court shall allow litigation costs,  
32 including court costs and reasonable attorney's fees, to be deposited in the General Fund  
33 if the executive director is the prevailing party in the action. The executive director shall,  
34 annually, on or before July 1st, make a report of the activities of the State Board of  
35 Arbitration and Conciliation to the Governor. The board shall from time to time adopt  
36 rules of procedure as it determines necessary, including rules of procedure for  
37 proceedings under chapter 18. Rules adopted pursuant to this section are routine  
38 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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#### SUMMARY

40 This bill increases the per diem for members of the State Board of Arbitration and  
41 Conciliation from \$75 to \$150.