

MAINE STATE LEGISLATURE

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Date: 3/18/14

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1290, L.D. 1798, Bill, "An Act To Implement the Recommendations of the Task Force Convened by the Maine Labor Relations Board Regarding Compensation for the Panel of Mediators"

Amend the bill in section 1 by striking out all of paragraph C and inserting the following:

'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. 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 \$600 per calendar day for each day or part of a day actually employed in the discharge of their official duties and also are entitled to traveling 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 paragraph in each such case. The necessary expenses incurred by the members must be allocated to the mediation session that required the costs.~~ The costs for services rendered and expenses incurred by members of the panel and any state cost allocation program charges must be shared equally by the parties to the proceedings and must be paid into a special fund administered by the Maine Labor Relations Board. 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. 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

COMMITTEE AMENDMENT

R. 25

COMMITTEE AMENDMENT "A" to H.P. 1290, L.D. 1798

1 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
3 for the amount of the invoice together with a penalty in the amount of 25% of the
4 amount of the invoice. Any penalty amount collected pursuant to this provision
5 remains in the special fund administered by the Maine Labor Relations Board and
6 that fund does not lapse. The executive director is authorized to collect any sums due
7 and payable pursuant to this provision through civil action. In such an action, the
8 court shall allow litigation costs, including court costs and reasonable attorney's fees,
9 to be deposited in the General Fund if the executive director is the prevailing party in
10 the action.'

11 Amend the bill by adding after section 2 the following:

12 'Sec. 3. Appropriations and allocations. The following appropriations and
13 allocations are made.

14 **LABOR, DEPARTMENT OF**

15 **Labor Relations Board 0160**

16 Initiative: Allocates funds for the increase in fees for mediation services provided by
17 members of the Panel of Mediators.

18	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
19	Personal Services	\$0	\$27,800
20	All Other	\$0	\$4,258
21			
22	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$32,058
23			

24 **SUMMARY**

25 This amendment of the Joint Standing Committee on Labor, Commerce, Research
26 and Economic Development removes the provision of the bill that disallowed the Panel of
27 Mediators from being compensated for traveling and other expenses. This amendment
28 more accurately reflects the recommendations in the Maine Labor Relations Board
29 mediator compensation report.

30 The amendment also adds an appropriations and allocations section.

31 **FISCAL NOTE REQUIRED**

32 (See attached)



126th MAINE LEGISLATURE

LD 1798

LR 2821(02)

An Act To Implement the Recommendations of the Task Force Convened by the Maine Labor Relations Board Regarding Compensation for the Panel of Mediators

**Fiscal Note for Bill as Amended by Committee Amendment "A" (H-702)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes**

Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$32,058	\$32,058	\$32,058
Revenue				
Other Special Revenue Funds	\$0	\$32,058	\$32,058	\$32,058

Fiscal Detail and Notes

This bill includes ongoing Other Special Revenue Funds allocations of \$32,058 per year, beginning in fiscal year 2014-15, to the Maine Labor Relations Board for the cost associated with the increase in payments to members of the Panel of Mediators from \$100 for each consecutive 4-hour period to \$600 per whole or partial calendar day. The Maine Labor Relations Board will receive a corresponding increase in dedicated revenues from fees charged to parties who use the services of the Mediators. Pursuant to Title 26, section 892, the costs for services rendered and expenses incurred by the panel and any applicable state cost allocation program charges must be shared equally by the parties to mediation.