

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)

5/19
ROBS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Date: 5/7/19 Majority

L.D. 317
(Filing No. H-219)

LABOR AND HOUSING

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

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 241, L.D. 317, Bill, "An Act To Amend the Laws Governing Appointees to the Maine Labor Relations Board"

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

'Sec. 1. 26 MRSA §968, sub-§1, as amended by PL 1991, c. 798, §6, is further amended to read:

1. Maine Labor Relations Board. The Maine Labor Relations Board, established by Title 5, section 12004-B, subsection 2, consists of 3 members and 6 alternates appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Legislature. The Governor, in making appointments, shall name one member and 2 alternates to represent employees, one member and 2 alternates to represent employers and one member and 2 alternates to represent the public. The member and alternates representing employees may not have worked in a management capacity or represented employer interests in any proceedings at any time during the prior 6 years. The member and alternates representing the public may not have worked in a management capacity or represented employer interests in any proceedings or have worked for a labor organization or served in a leadership role in a labor organization at any time during the prior 6 years. The member representing the public serves as the board's chair and the alternate representing the public serves as an alternate chair. Members of the board are entitled to compensation according to the provisions of Title 5, chapter 379. The alternates are entitled to compensation at the same per diem rate as the member that the alternate replaces. The term of each member and each alternate is 4 years, except that of the members and alternates first appointed, one member and 2 alternates are appointed for a term of 4 years, one member and 2 alternates are appointed for a term of 3 years and one member and 2 alternates are appointed for a term of 2 years. The members of the board, its alternates and its employees are entitled to receive necessary expenses. Per diem and necessary expenses for members and alternates of the board, as well as state cost allocation program charges, must be shared equally by the parties to any proceeding at which the board presides and must be paid into a special fund administered by the board from which all costs must be paid. The executive director may estimate costs upon

COMMITTEE AMENDMENT

R O F S

COMMITTEE AMENDMENT "A" to H.P. 241, L.D. 317

1 receipt of a request for services and collect those costs prior to providing the services.
 2 The executive director shall bill or reimburse the parties, as appropriate, for any
 3 difference between the estimated costs that were collected and the actual costs of
 4 providing the services. Once one party has paid its share of the estimated cost of
 5 providing the service, the matter is scheduled for hearing. A party who has not paid an
 6 invoice for the estimated or actual cost of providing services within 60 days of the date
 7 the invoice was issued is, in the absence of good cause shown, liable for the amount of
 8 the invoice together with a penalty in the amount of 25% of the amount of the invoice.
 9 Any penalty amount collected pursuant to this provision remains in the special fund
 10 administered by the Maine Labor Relations Board, and that fund does not lapse. The
 11 executive director is authorized to collect any sums due and payable pursuant to this
 12 provision through civil action. In such an action, the court shall allow litigation costs,
 13 including court costs and reasonable attorney's fees, to be deposited in the General Fund
 14 if the executive director is the prevailing party in the action. At its discretion, the board
 15 may allocate all costs to a party that presents a frivolous complaint or defense or that
 16 commits a blatant violation of the applicable collective bargaining law. When the board
 17 meets on administrative or other matters that do not concern the interests of particular
 18 parties or when any board member presides at a prehearing conference, the members' per
 19 diem and necessary expenses must be paid from the board's regular appropriation for
 20 these purposes. The executive director and legal or professional personnel employed by
 21 the board are members of the unclassified service.'

22 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
 23 section number to read consecutively.

24 **SUMMARY**

25 This amendment, which is the majority report, replaces the term "management
 26 interests" with the term "employer interests" and changes the disqualification window
 27 from 10 years to 6 years.

COMMITTEE AMENDMENT