

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 317

H.P. 241

House of Representatives, January 22, 2019

An Act To Amend the Laws Governing Appointees to the Maine Labor Relations Board

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HANDY of Lewiston.

Cosponsored by Representatives: CUDDY of Winterport, DOORE of Augusta.

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

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

4 **1. Maine Labor Relations Board.** The Maine Labor Relations Board, established
5 by Title 5, section 12004-B, subsection 2, consists of 3 members and 6 alternates
6 appointed by the Governor, subject to review by the joint standing committee of the
7 Legislature having jurisdiction over labor matters and to confirmation by the Legislature.
8 The Governor, in making appointments, shall name one member and 2 alternates to
9 represent employees, one member and 2 alternates to represent employers and one
10 member and 2 alternates to represent the public. The member and alternates representing
11 employees may not have worked in a management capacity or represented management
12 interests in any proceedings at any time during the prior 10 years. The member and
13 alternates representing the public may not have worked in a management capacity or
14 represented management interests in any proceedings or have worked for a labor
15 organization or served in a leadership role in a labor organization at any time during the
16 prior 10 years. The member representing the public serves as the board's chair and the
17 alternate representing the public serves as an alternate chair. Members of the board are
18 entitled to compensation according to the provisions of Title 5, chapter 379. The
19 alternates are entitled to compensation at the same per diem rate as the member that the
20 alternate replaces. The term of each member and each alternate is 4 years, except that of
21 the members and alternates first appointed, one member and 2 alternates are appointed for
22 a term of 4 years, one member and 2 alternates are appointed for a term of 3 years and
23 one member and 2 alternates are appointed for a term of 2 years. The members of the
24 board, its alternates and its employees are entitled to receive necessary expenses. Per
25 diem and necessary expenses for members and alternates of the board, as well as state
26 cost allocation program charges, must be shared equally by the parties to any proceeding
27 at which the board presides and must be paid into a special fund administered by the
28 board from which all costs must be paid. The executive director may estimate costs upon
29 receipt of a request for services and collect those costs prior to providing the services.
30 The executive director shall bill or reimburse the parties, as appropriate, for any
31 difference between the estimated costs that were collected and the actual costs of
32 providing the services. Once one party has paid its share of the estimated cost of
33 providing the service, the matter is scheduled for hearing. A party who has not paid an
34 invoice for the estimated or actual cost of providing services within 60 days of the date
35 the invoice was issued is, in the absence of good cause shown, liable for the amount of
36 the invoice together with a penalty in the amount of 25% of the amount of the invoice.
37 Any penalty amount collected pursuant to this provision remains in the special fund
38 administered by the Maine Labor Relations Board, and that fund does not lapse. The
39 executive director is authorized to collect any sums due and payable pursuant to this
40 provision through civil action. In such an action, the court shall allow litigation costs,
41 including court costs and reasonable attorney's fees, to be deposited in the General Fund
42 if the executive director is the prevailing party in the action. At its discretion, the board
43 may allocate all costs to a party that presents a frivolous complaint or defense or that
44 commits a blatant violation of the applicable collective bargaining law. When the board
45 meets on administrative or other matters that do not concern the interests of particular

1 parties or when any board member presides at a prehearing conference, the members' per
2 diem and necessary expenses must be paid from the board's regular appropriation for
3 these purposes. The executive director and legal or professional personnel employed by
4 the board are members of the unclassified service.

5 **Sec. 2. Application.** This Act applies to all appointments and reappointments to
6 the Maine Labor Relations Board, pursuant to the Maine Revised Statutes, Title 26,
7 section 968, of members and alternates commencing after the effective date of this Act.

8 **SUMMARY**

9 This bill amends the qualifications for certain members and alternates appointed to
10 the Maine Labor Relations Board by the Governor. It requires the member and alternates
11 representing employees to not have worked in a management capacity or represented
12 management interests in any proceedings at any time during the prior 10 years. It also
13 requires the member and alternates representing the public to not have worked in a
14 management capacity or represented management interests in any proceedings or have
15 worked for a labor organization or served in a leadership role in a labor organization at
16 any time during the prior 10 years. These new qualifications apply to new appointments
17 or reappointments to the board.