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

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

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

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 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 \$600 per calendar day for each day or part of a day actually employed in the discharge of their official duties. 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 not paid an invoice for the estimated or actual cost of providing services within 60 days of the date the invoice was issued is, in the absence of good cause shown, liable for the amount of the invoice together with a penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected pursuant to this provision remains in the special fund administered by the Maine Labor Relations Board and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this provision through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action.

Sec. 2. Report. The Maine Labor Relations Board shall submit a report by December 15, 2017 to the joint standing committee of the Legislature having jurisdiction over labor matters on the effect of the change made pursuant to this Act, specifically with regard to the impact on recruitment and retention of mediators and the effect on the public sector collective bargaining process as a whole.

SUMMARY

This bill is reported out by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to Resolve 2013, chapter 26, section 2. As required by the resolve, the Maine Labor Relations Board submitted to the committee its report on the question of mediator compensation and its impact on the recruitment and retention of able labor mediators and the public sector collective bargaining process as a whole, with recommendations and draft implementing legislation that would provide reasonable compensation for the members of the Panel of Mediators. This bill incorporates all of the changes to law that the board recommended in its report.

The committee has not taken a position on the substance of the report or this bill and by reporting this bill out the committee is not suggesting, and does not intend to suggest, that it agrees or disagrees with any aspect of the commission's plan or this bill. The committee is reporting the bill out for the sole purpose of turning the board's recommendations into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course. The committee is taking this action to ensure clarity and transparency in the legislative review of the board's recommended legislation.

The bill increases the payment for mediation services provided by the members of the Panel of Mediators from \$100 for each consecutive 4-hour period to \$600 per whole or partial calendar day. The bill eliminates the provisions permitting the mediators to collect reimbursement for expenses incurred and to charge for more than one dispute in the same calendar day.