



126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1854

S.P. 752

In Senate, April 7, 2014

An Act Regarding Compensation for the Panel of Mediators

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CUSHING of Penobscot. (GOVERNOR'S BILL)

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

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

4 C. The Panel of Mediators, consisting of not less than 5 nor more than 10 impartial
5 members, must be appointed by the Governor from time to time upon the expiration
6 of the terms of the several members, for terms of 3 years. The Maine Labor
7 Relations Board shall supply to the Governor nominations for filling vacancies.
8 Vacancies occurring during a term must be filled for the unexpired term. Members of
9 the panel are entitled to a fee for services in the amount of \$100 ~~\$300~~ for up to 4
10 hours of mediation services provided and \$100 ~~\$300~~ for each consecutive period of
11 up to 4 hours thereafter and also are entitled to traveling and all other necessary
12 expenses. ~~Notwithstanding the provisions of Title 5, section 12003-A, subsection 9,~~
13 ~~members of the panel who provide mediation services in more than one dispute in a~~
14 ~~given day are entitled to the compensation as provided in this paragraph in each such~~
15 ~~case. The necessary expenses incurred by the members must be allocated to the~~
16 ~~mediation session that required the costs.~~ The costs for services rendered and
17 expenses incurred by members of the panel and any state cost allocation program
18 charges must be shared equally by the parties to the proceedings and must be paid
19 into a special fund administered by the Maine Labor Relations Board. Authorization
20 for services rendered and expenditures incurred by members of the panel is the
21 responsibility of the Executive Director of the Maine Labor Relations Board. All
22 costs must be paid from that special fund. The executive director may estimate costs
23 upon receipt of a request for services and collect those costs prior to providing the
24 services. The executive director shall bill or reimburse the parties, as appropriate, for
25 any difference between the estimated costs that were collected and the actual costs of
26 providing the services. Once one party has paid its share of the estimated cost of
27 providing the service, the mediator is assigned. A party who has not paid an invoice
28 for the estimated or actual cost of providing services within 60 days of the date the
29 invoice was issued is, in the absence of good cause shown, liable for the amount of
30 the invoice together with a penalty in the amount of 25% of the amount of the
31 invoice. Any penalty amount collected pursuant to this provision remains in the
32 special fund administered by the Maine Labor Relations Board and that fund does not
33 lapse. The executive director is authorized to collect any sums due and payable
34 pursuant to this provision through civil action. In such an action, the court shall
35 allow litigation costs, including court costs and reasonable attorney's fees, to be
36 deposited in the General Fund if the executive director is the prevailing party in the
37 action.

38 **Sec. 2. Report.** The Maine Labor Relations Board shall submit a report by
39 December 15, 2017 to the joint standing committee of the Legislature having jurisdiction
40 over labor matters on the effect of the changes made pursuant to section 1, specifically
41 with regard to the impact on recruitment and retention of mediators and the effect on the
42 public sector collective bargaining process as a whole.

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SUMMARY

This bill increases the payment for mediation services provided by the members of the Panel of Mediators from \$100 to \$300 for a 4-hour period and removes the provision that allows mediators to be paid on a per-dispute-mediated basis. This bill also requires the Maine Labor Relations Board to report on the effect of these changes to payment of mediators.