



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 317

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H.P. 241

House of Representatives, January 22, 2019

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

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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.