



126th MAINE LEGISLATURE

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Legislative Document

No. 689

H.P. 481

House of Representatives, February 26, 2013

An Act To Clarify Compensation for the Panel of Mediators

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GIDEON of Freeport.
Cosponsored by Senator DUTREMBLE of York and
Representatives: DUNPHY of Embden, FARNSWORTH of Portland, GRAHAM of North
Yarmouth, HAMANN of South Portland, KORNFIELD of Bangor, MORIARTY of
Cumberland, NEWENDYKE of Litchfield, Senator: CLEVELAND of Androscoggin.

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 for up to 4 hours of
10 mediation services provided and \$100 for each consecutive period of up to 4 hours
11 thereafter and also are entitled to traveling and all other necessary expenses. If a
12 mediator is required to travel in excess of 43 miles one way to provide mediation
13 services and maintains written documentation of the mediator's driving time, the
14 mediator is entitled to an amount equal to 1/2 of the mediator's hourly fee for services
15 for the time that the mediator travels in excess of 43 miles one way. Notwithstanding
16 the provisions of Title 5, section 12003-A, subsection 9, members of the panel who
17 provide mediation services in more than one dispute in a given day are entitled to the
18 compensation as provided in this paragraph in each such case. The necessary
19 expenses incurred by the members must be allocated to the mediation session that
20 required the costs. The costs for services rendered and expenses incurred by
21 members of the panel and any state cost allocation program charges must be shared
22 equally by the parties to the proceedings and must be paid into a special fund
23 administered by the Maine Labor Relations Board. Authorization for services
24 rendered and expenditures incurred by members of the panel is the responsibility of
25 the Executive Director of the Maine Labor Relations Board. All costs must be paid
26 from that special fund. The executive director may estimate costs upon receipt of a
27 request for services and collect those costs prior to providing the services. The
28 executive director shall bill or reimburse the parties, as appropriate, for any
29 difference between the estimated costs that were collected and the actual costs of
30 providing the services. Once one party has paid its share of the estimated cost of
31 providing the service, the mediator is assigned. A party who has not paid an invoice
32 for the estimated or actual cost of providing services within 60 days of the date the
33 invoice was issued is, in the absence of good cause shown, liable for the amount of
34 the invoice together with a penalty in the amount of 25% of the amount of the
35 invoice. Any penalty amount collected pursuant to this provision remains in the
36 special fund administered by the Maine Labor Relations Board and that fund does not
37 lapse. The executive director is authorized to collect any sums due and payable
38 pursuant to this provision through civil action. In such an action, the court shall
39 allow litigation costs, including court costs and reasonable attorney's fees, to be
40 deposited in the General Fund if the executive director is the prevailing party in the
41 action.

42 **SUMMARY**

43 This bill entitles mediators in public employee collective bargaining negotiations who
44 are required to drive in excess of 43 miles one way to provide mediation services to

1 receive an amount equal to 1/2 of the mediator's hourly fee for services for the time that
2 the mediator travels in excess of 43 miles one way.