

MAINE STATE LEGISLATURE

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Service on Maine Labor Relations Board and as Alternate on State Board of Arbitration and Conciliation

SYLLABUS:

No conflict of interest would result from concurrent service as an alternate labor representative on the State Board of Arbitration and Conciliation, and as the labor representative on the Maine Labor Relations Board.

FACTS:

Mr. Michael Schoonjans is presently serving as an alternate labor representative on the State Board of Arbitration and Conciliation, as provided by 26 M.R.S.A. § 911. The Governor has posted Mr. Schoonjans for appointment as the labor representative on the Maine Labor Relations Board, as provided by 26 M.R.S.A. § 968.

QUESTION AND ANSWER:

Would concurrent service by Mr. Schoonjans on the State Board of Arbitration and Conciliation and the Maine Labor Relations Board, as described above, cause a conflict of interest? No.

REASONS:

The essence of a "conflict of interest" is a conflict in the duties which one owes in different roles - where fulfilling one duty tends to lead to a disregard of another. United States v. Miller, 463 F.2d 600. The duties which one would owe as an alternate labor representative on the State Board of Arbitration and Conciliation, and as the labor representative on the Maine Labor Relations Board would not present such conflict because the interests represented and the ultimate goals of the respective Board would be the same in both cases.

Both boards consist of a member and two alternates representing the interests of each of three groups - employers, employees, and the public. 26 M.R.S.A. §§ 911 and 968. As long as a member or alternate representing one interest on one board is not appointed to represent a different interest on the other board, there would be no conflict of duties in this regard.

Both boards also have closely allied purposes and functions. They share a common purpose of lessening employer/employee tensions and resolving disputes through techniques of mediation, arbitration, and conciliation. The operational "jurisdiction" of the Maine Labor Relations Board remains largely in the area of public employment, despite its recent

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change in name from "Public Employees Labor Relations Board." P.L. 1975, c. 564. On the other hand, the State Board of Arbitration and Conciliation is designed to handle labor problems arising in the private sector. Therefore, the chance of overlapping operations in any given labor dispute would be slight, and even if such overlap did exist, the identity of purpose of the two boards would prevent any conflict of duties.

The State Board of Arbitration and Conciliation is under the supervision of the Maine Labor Relations Board for administrative and budgetary purposes. P.L. 1975, C. 564 (See Statement of Fact for L.D. 1780, as amended by Committee Amendment "A," H.-700). In this limited area it is possible that a member of one board could take part in the administration of the other board on which he is also a member. However, we do not feel that such situation would present the possible conflict of duties which would constitute a "conflict of interest." Should a conflict arise, the alternates on both boards enable any member to disqualify himself or herself without disabling either board.

In summary, the identity of interests which would be represented by Mr. Scheonjans as an alternate labor representative on the State Board of Arbitration and Conciliation and the Maine Labor Relations Board, plus the identity of goals and purposes of the boards themselves, would preclude any conflict of interest arising from concurrent service in these two positions.

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