

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 517**

H. P. 424

House of Representatives, February 4, 1975

Referred to the Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Snow of Falmouth.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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### AN ACT Relating to State Board of Arbitration and Conciliation.

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

**Sec. 1.** 26 MRSA, § 911, as last amended by PL 1971, c. 620, § 13, is repealed and the following enacted in place thereof:

**§ 911. Appointment and qualification; salaries and expenses**

The State Board of Arbitration and Conciliation shall consist of 9 members appointed by the Governor, with the advice and consent of the Council, from time to time upon the expiration of the terms of 3 years. Three shall be employers of labor or selected from some association representing employers of labor and 3 shall be employees selected from some bona fide trade or labor union. The 3 remaining members shall represent the public interests of the State. Vacancies occurring during a term shall be filled for the unexpired term. Members of the board shall each receive \$100 a day for their services, for the time actually employed in the discharge of their official duties. They shall receive their traveling and all other necessary expenses. The appropriation for the board shall be included in the budget of the Bureau of Labor and Industry and authorization for expenditures shall be the responsibility of the director.

**Sec. 2.** 26 MRSA, § 915, first paragraph, is amended to read:

Whenever it appears to the employer or employees concerned in a dispute that a strike is threatened, or actually occurs, he or they may ~~request~~ petition the director for the services of the board and notification may be given by the mayor of a city or the selectmen of a town or any citizen of the State directly involved. Following such petition or notification, the director shall assign one

employer member, one employee member and one member to represent the public interests of the State, the latter to act as chairman.

Sec. 3. 26 MRSA, § 915, 5th paragraph, is repealed as follows:

~~When for any reason a member of the board does not serve in any particular case, the alternate member having the same qualifications shall act as a member of the board in such case~~

Sec. 4. 26 MRSA, § 917, is repealed and the following enacted in place thereof:

§ 917. Application for inquiry; notice of hearing

In cases of controversy, where conciliation, mediation or arbitration is refused by one of the parties, either party may petition the director for the services of the board to make inquiry. The application for such inquiry may be signed by the employer or by a majority of the employees in the department of the business in which the controversy exists or by their agent or by both parties, and, if signed by an agent claiming to represent a majority of the employees, the director shall satisfy himself that he is duly authorized to do so.

Upon receipt of the application for such inquiry, the director shall assign one employer member, one employee member and one member to represent the public interests of the State, the latter to act as chairman, and shall give notice of time and place of hearing, and may, at his discretion, give public notice by publishing in at least one newspaper the time and place of the hearing.

The director shall, upon request of the Governor or the mayor of a city or the selectmen of a town, assign 3 members in like manner to investigate and report upon any controversy if, in their opinion, it threatens to affect the public welfare.

The assigned board, after such inquiry, may make and publish a report of its findings.

Sec. 5. 26 MRSA, § 918, is repealed and the following enacted in place thereof:

§ 918. Submission to arbitration; decision

If the case cannot be settled through the process of conciliation, the interested parties may submit the case to arbitration by filing an arbitration application with the director. Each party shall within 5 days select one arbitrator from the board in the appropriate category and shall immediately notify each other in writing of the name and address of the person so selected. The 2 arbitrators so selected shall, within 10 days, agree upon and select a 3rd person from those board members representing the public interests of the State, who shall act as chairman.

The chairman of the selected board shall give prompt notice of the time and place of hearing to both parties.

## STATEMENT OF FACT

This bill will increase the per diem for the board to be more in line with similar services provided by federal or private agencies and simplify the procedures by permitting the Bureau of Labor and Industry to serve as an administrative agent. It also provides a choice of arbitrators to the parties involved in controversy.