

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

SENATE.

No. 5

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT creating a State Board of Arbitration and Conciliation.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. A board of arbitration and conciliation is hereby
2 created, the duties of which shall be to endeavor to settle dis-
3 putes, strikes and lockouts between employers and employees.

Before the first day of July, 1905, the governor shall appoint
5 the members of said board, as follows: the first member shall
6 be recommended by the State federation of labor, after con-
7 sulting the various unions constituting said federation, and
8 shall be appointed in accordance with said recommendation;
9 he shall hold office for the term of one year from the said
10 first day of July. The second member shall be an employer
11 of labor or shall be appointed upon the recommendation of an
12 organization representing employers of labor; he shall hold

13 office for the term of two years from said first day of July.
14 The third member shall be recommended by the other two
15 before the said first day of July and shall be appointed in
16 accordance with said recommendation. He shall hold office
17 for the term of three years from said first day of July. At
18 the expiration of each member's term of office the governor
19 shall appoint his successor in the same manner and from the
20 same class as the member whose term expired; and he shall
21 hold office for the term of three years.

The members of the board shall receive a compensation of
23 three dollars per diem for the time actually employed and
24 shall receive traveling and all other necessary expenses.
25 Each member before entering upon the performance of his
26 duties shall be sworn to the faithful performance thereof.
27 The board shall from time to time make such rules of proced-
28 ure as it deems necessary and shall annually, on or before the
29 first day of July, make a report to the governor and council.
30 The board shall hold a meeting before the first day of August
31 of each year and shall organize by choosing a chairman and
32 secretary, both of whom shall be members of the board.

Sect. 2. If it appears to the mayor of a city or the select-
2 men of a town that a strike is seriously threatened or actually
3 occurs, he or they shall at once notify the State board, and
4 such notification may also be given by the employer or
5 employees actually concerned in the strike or lockout. If,
6 when such a strike is threatened or actually occurs, it appears
7 that as many as twenty-five employees are directly concerned
8 therein, the State board shall, as soon as may be, communi-
9 cate with such employer and employees and endeavor by

10 mediation to obtain an amicable settlement or endeavor to
11 persuade such employer and employees to submit the matter
12 in controversy to a local board of conciliation and arbitration
13 or to the State board. If the matter be submitted, the board to
14 which it is submitted shall investigate such controversy and
15 ascertain which party is mainly responsible or blameworthy
16 for the existence of the same, and the board may make and
17 publish a report finding such cause and assigning such
18 responsibility or blame. The State board shall, upon request
19 of the governor, investigate and report upon any controversy
20 if in his opinion it threatens to affect the public welfare.

Sect. 3. In any controversy where not less than twenty-five
2 employees are directly concerned the board shall, upon appli-
3 cation as hereinafter provided, and as soon as practicable,
4 visit the place where the controversy exists and make careful
5 inquiry into its cause, and the board may, with the consent of
6 the governor, conduct such inquiry beyond the limits of the
7 State. The board shall hear all persons interested who come
8 before it, advise the respective parties what ought to be done
9 or submitted to by either or both to adjust said controversy,
10 and make a written decision thereof, which shall at once be
11 made public, shall be open to public inspection, and shall be
12 recorded by the secretary of the board; said decision shall for
13 six months be binding on the parties who join in the applica-
14 tion or until the expiration of sixty days after either party
15 has given notice to the other in writing of his intention not to
16 be bound thereby, such notice may be given to the employees
17 by posting it in three conspicuous places in the shed or fac-
18 tory or yard where they work.

Sect. 4. Said application may be signed by the employer or
2 by a majority of the employees in the department of the busi-
3 ness in which the controversy exists or by their duly author-
4 ized agent or by both parties, and, if signed by an agent
5 claiming to represent a majority of the employees, the board
6 shall satisfy itself that he is duly authorized so to do. The
7 application shall contain a statement of the matter in contro-
8 versy and a promise to continue in business or at work with-
9 out any strike, or lockout until the decision of the board if
10 made within three weeks after the date of filing the applica-
11 tion. The secretary of the board shall forthwith after such
12 filing cause public notice to be given of the time and place of
13 the hearing on the application unless both parties join in the
14 application and present therewith the written request that no
15 public notice shall be given. If such request is made, notice
16 shall be given to the parties in such a manner as the board
17 shall order, and the board may give public notice notwith-
18 standing such request.

Sect. 5. The board may summon as witnesses any opera-
2 tive or any person who keeps the record of wages earned in
3 the department of business in which the controversy exists
4 and may require the production of books which contain the
5 record of wages paid. Summonses may be signed and oaths
6 administered by any member of the board. Witnesses sum-
7 moned by the board shall be allowed the same fees as are paid
8 to witnesses in the supreme judicial court, these fees together
9 with all necessary expenses of the board shall be paid by the
10 State treasurer from the fund provided by this act on war-
11 rants drawn by the governor and council.

Sect. 6. The parties to any controversy described in section
2 three may submit such controversy to a local board of arbi-
3 tration and conciliation which may be either mutually agreed
4 upon or may be composed of three persons, one of whom
5 shall be designated by the employer, one by the employees or
6 their duly authorized agent; the third, who shall be chairman,
7 by the other two; such board shall have all the powers exer-
8 cised by the State board, and its decisions shall have the same
9 effect as those of the State board. The decision of said
10 board shall be rendered within ten days after the close of any
11 hearing held by it and shall at once be filed by the clerk of
12 the municipality where the controversy arose, and a copy
13 thereof shall be filed with the secretary of the State board by
14 the clerk of the said municipality. Each of said arbitrators
15 shall be entitled to receive three dollars for each day of actual
16 service to be paid by the State treasurer on a warrant drawn
17 by the governor and council, from the funds provided by this
18 act.

Sect. 7. The sum of \$1,000, is hereby appropriated, the
2 same, or so much thereof as may be necessary, to be used for
3 the purposes of this act.

Sect. 8. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, January 12, 1905.

Presented by Mr. MILLS of Hancock, and on motion by the same Senator laid on the table to be printed, pending reference to the Committee on Labor.

KENDALL M. DUNBAR, *Secretary.*