

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 64

STATE OF MAINE.

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

AN ACT creating a State Board of Arbitration and Concilia-
tion.

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

Section 1. A State Board of Arbitration and Conciliation
2 is hereby created, the duties of which shall be to endeavor
3 to settle disputes, strikes and lockouts between employers and
4 employes.

Sect. 2. Within thirty days after this act shall become a
2 law, the governor, with the advice and consent of the execu-
3 tive council, shall appoint three competent persons as mem-
4 bers of such board, one of whom shall be an employer of
5 labor or selected from some association representing employers
6 of labor, one shall be an employe or an employe selected from

7 some bona fide trade or labor union and not an employer of
8 labor, and the third shall be appointed on the recommenda-
9 tion of the other two: Provided, That if the two appointed
10 do not agree on the third man at the expiration of thirty days
11 from their appointment, he shall be selected and appointed
12 by the governor. One shall be designated to serve one year,
13 one for two years and one for three years until their succes-
14 sors are appointed and qualified; and thereafter appointments
15 shall be made for three years, and if at any time a vacancy
16 occurs it shall be filled for the unexpired term.

Sect. 3. The members of the board shall receive a compen-
2 sation of three dollars per diem for the time actually em-
3 ployed and shall receive travelling and all other necessary
4 expenses. Each member before entering upon the perform-
5 ance of his duties shall be sworn to the faithful performance
6 thereof. The board shall from time to time make such rules
7 of procedure as it deems necessary and shall annually, on or
8 before the first day of December, make a report to the gover-
9 nor and council, which shall be incorporated in and printed
10 with the annual report of the bureau of industrial and labor
11 statistics. The board shall hold a meeting on the third
12 Wednesday of September in each year and shall organize by
13 choosing a chairman and secretary, both of whom shall be
14 members of the board; Provided, the first meeting shall be
15 held as soon as convenient after all the members have been ap-
16 pointed.

Sect. 4. 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 em-
5 ployes actually concerned in the strike or lockout. If, when
6 such strike is threatened or actually occurs, it appears that
7 as many as ten employes are directly concerned therein, the
8 state board shall, as soon as may be, communicate with such
9 employer and employes and endeavor by mediation to obtain
10 an amicable settlement or endeavor to persuade such em-
11 ployer and employes to submit the matter in controversy to a
12 local board of conciliation and arbitration or to the state
13 board. If the matter be submitted, the board to which it is
14 submitted shall investigate such controversy and ascertain
15 which party is mainly responsible or blameworthy for the
16 existence of the same, and the board may make and publish
17 a report finding such cause and assigning such responsibility
18 or blame. The state board shall, upon request of the gov-
19 ernor, investigate and report upon any controversy if in his
20 opinion it threatens to affect the public welfare.

Sect. 5. In any controversy where not less than ten em-
2 ployes are directly concerned the board shall, upon application
3 as hereinafter provided, and as soon as practicable, visit the
4 place where the controversy exists and make careful inquiry
5 into its cause, and the board may, with the consent of the
6 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
13 for six months be binding on the parties who join in the ap-
14 plication or until the expiration of sixty days after either par-
15 ty has given notice to the other in writing of his intention
16 not to be bound thereby, such notice may be given to the em-
17 ployes by posting it in three conspicuous places in the shop,
18 factory, yard, or other place where they work.

Sect. 6. Said application may be signed by the employer or
2 by a majority of the employes 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 employes, the board
6 shall satisfy itself that he is duly authorized to do so. 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. 7. 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
8 paid to witnesses in the supreme judicial court, these fees
9 together with all necessary expenses of the board shall be
10 paid by the state treasurer from the fund provided by this
11 act on warrants drawn by the governor and council.

Sect. 8. The parties to any controversy described in Sec-
2 tion five may submit such controversy to a local board of
3 arbitration and conciliation which may be either mutually
4 agreed upon or may be composed of three persons, one of
5 whom shall be designated by the employer, one by the em-
6 ployes or their duly authorized agent; the third, who shall
7 be chairman, by the other two: such board shall have all the
8 powers exercised by the state board, and its decisions shall
9 have the same effect as those of the state board. The deci-
10 sion of said board shall be rendered within ten days after
11 the close of any hearing held by it and shall at once be filed
12 by the clerk of the municipality where the controversy arose,
13 and a copy thereof shall be filed with the secretary of the
14 state board by the clerk of the said municipality. Each of

15 said arbitrators shall be entitled to receive three dollars for
16 each day of actual service to be paid by the state treasurer on
17 a warrant drawn by the governor and council, from the funds
18 provided by this act.

Sect. 9. The sum of one thousand dollars is hereby ap-
2 propriated, the same, or so much thereof as may be necessary,
3 to be used for the purposes of this act for the years nineteen
4 hundred nine and nineteen hundred ten.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES.

Augusta, February 3, 1909.

Tabled pending reference to a committee by Mr. BEALS of
Auburn and ordered printed, with 200 extra copies.

E. M. THOMPSON, *Clerk.*