

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 788

STATE OF MAINE.

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

AN ACT creating a State Board of Arbitration and Con-
ciliation.

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
4 and 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 em-
6 ployers of labor, one shall be an employe or an employe se-

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

Sect. 3. The members of the board shall receive a com-
2 pensation 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 per-
5 formance of his duties shall be sworn to the faithful per-
6 formance thereof. The board shall from time to time make
7 such rules of procedure as it deems necessary and shall an-
8 nually, on or before the first day of December, make a re-
9 port to the governor and council, which shall be incorpo-
10 rated in and printed with the annual report of the bureau
11 of industrial and labor statistics. The board shall hold a
12 meeting on the third Wednesday of September in each year
13 and shall organize by choosing a chairman and secretary,
14 both of whom shall be members of the board: Provided,
15 the first meeting shall be held as soon as convenient after all
16 the members have been appointed.

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 ac-
3 tually occurs, he or they shall at once notify the State board,
4 and such notification may also be given by the employer or
5 employes actually concerned in the strike or lockout. If,
6 when such strike is threatend or actually occurs, it appears
7 that as many as ten employes are directly concerned therein,
8 the State board shall, as soon as may be, communicate with
9 such employer and employes and endeavor by mediation to
10 obtain an amicable settlement or endeavor to persuade such
11 employer and employes to submit the matter in controversy
12 to a local board of conciliation and arbitration or to the
13 State board. If the matter be submitted, the board to which
14 it is submitted shall investigate such controversy and ascer-
15 tain which party is mainly responsible or blameworthy for
16 the existence of the same, and the board may make and pub-
17 lish a report finding such cause and assigning such respon-
18 sibility or blame. The State board shall, upon request of
19 the governor, investigate and report upon any controversy
20 if in his 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 applica-
3 tion as hereinafter provided, and as soon as practicable, visit
4 the place where the controversy exists and make careful in-
5 quiry 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
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
15 party has given notice to the other in writing of his inten-
16 tion not to be bound thereby, such notice may be given to
17 the employes by posting it in three conspicuous places in the
18 shop, factory, yard, or other place where they work.

Sect. 6. Said application may be signed by the employer
2 or by a majority of the employes in the department of the
3 business in which the controversy exists or by their duly
4 authorized agent or by both parties, and, if signed by an
5 agent claiming to represent a majority of the employes, the
6 board shall satisfy itself that he is duly authorized to do
7 so. The application shall contain a statement of the mat-
8 ter in controversy and a promise to continue in business or
9 at work without any strike or lockout until the decision of
10 the board if made within three weeks after the date of filing
11 the application. The secretary of the board shall forthwith
12 after such filing cause public notice to be given of the time
13 and place of the hearing on the application unless both par-
14 ties join in the application and present therewith the writ-
15 ten request that no public notice shall be given. If such
16 request is made, notice shall be given to the parties in such

17 a manner as the board shall order, and the board may give
18 public notice notwithstanding 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
8 the powers exercised by the State board, and its decisions
9 shall have the same effect as those of the State board. The
10 decision of said board shall be rendered within ten days
11 after the close of any hearing held by it and shall at once
12 be filed by the clerk of the municipality where the contro-
13 versy arose, and a copy thereof shall be filed with the secre-
14 tary of the State board by the clerk of the said municipality.

15 Each of said arbitrators shall be entitled to receive three
16 dollars for each day of actual service to be paid by the
17 State treasurer on a warrant drawn by the governor and
18 council, from the funds 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 neces-
3 sary, to be used for the purposes of this act for the years
4 nineteen hundred nine and nineteen hundred ten.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES.

Augusta, March 25, 1909.

Reported by minority from Committee on Labor and ordered
printed under joint rules.

E. M. THOMPSON, *Clerk.*