

# MAINE STATE LEGISLATURE

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NINETY - SECOND      L E G I S L A T U R E

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Legislative Document

No. 893

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S. P. 347

In Senate, February 15, 1945.

Transmitted by revisor of statutes pursuant to joint order

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Dow (by request) of Oxford.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-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. R. S., c. 25, § 10, amended.** Section 10 of chapter 25 of the revised statutes is hereby amended to read as follows:

**'Sec. 10. Appointment and qualification of state board of arbitration and conciliation; salaries and expenses; duties; authority to make rules; report; rights of workers.** The state board of arbitration and conciliation, as heretofore established, shall consist of 3 members appointed by the governor, with the advice and consent of the council, from time to time upon the expiration of the terms of the several members, for terms of 3 years. One member shall be an employer of labor or selected from some association representing employers of labor, and another shall be an employee or an employee selected from some bona fide trade or labor union and not an employer of labor. **The 3rd member shall represent the public interests of the state.** Vacancies occurring during a term shall be filled for the unexpired term. The board shall hold a meeting on the 3rd Wednesday of September in each year and shall organize by choosing from its members a chairman and a secretary. Members of the board shall

each receive \$5 a day, for their services, for the time actually employed in the discharge of their official duties; they shall also receive their traveling and all other necessary expenses. Workers shall have full freedom of association, self organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection, free from interference, restraint, or coercion by their employers or other persons, and it shall be the duty of the board to endeavor to settle disputes, strikes, and lockouts between employers and employees. The board shall from time to time make such rules of procedure as it deems necessary, and shall annually, on or before the 1st day of July, make a report to the governor and council, which shall be incorporated in and printed with the biennial report of the department of labor and industry.'

**Sec. 2. R. S., c. 25, § 11, amended.** Section 11 of chapter 25 of the revised statutes is hereby amended to read as follows:

**'Sec. 11. Board to be notified of strike, or threatened strike; proceedings in settlement of strike; governor may request state board to investigate.** Whenever it appears to the mayor of a city or the selectmen of a town or any citizen of the state directly involved or about to be involved therein that a strike is seriously threatened, or a strike actually occurs, he or they shall at once notify the state board of arbitration and conciliation and such notification may also be given by the employer or employees actually concerned in the dispute, strike or lockout. If, when such strike is threatened or actually occurs, it appears that as many as 10 employees are directly concerned therein, the state board of arbitration and conciliation shall, and in any case may, as soon as may be, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement or endeavor to persuade such employer and employees to submit the matter in controversy to a local board of arbitration and conciliation or to the state board. **The board shall have authority to subpoena either party.** If the matter be submitted, and the parties involved in the dispute, strike or lockout, or their proper representatives, agree to abide by the decision of the board to which it is submitted, said board shall investigate such controversy and ascertain which party is mainly responsible or blame-worthy for the existence of the same, and the board may make and publish a report finding such cause and assigning such responsibility or blame. The state board shall, upon request of the governor, investigate and report upon any controversy if in his opinion it threatens to affect the public welfare.'

**Sec. 3. R. S., c. 25, § 12, amended.** Section 12 of chapter 25 of the revised statutes is hereby amended to read as follows:

**'Sec. 12. Board may have inquiry into cause of controversy, hear parties and make written decision; effect of decision.** In any such controversy where not less than 10 employees are directly concerned the board shall, upon application as hereinafter provided, and as soon as practicable, visit the place where the controversy exists and make careful inquiry into its cause, and the board may, with the consent of the governor, conduct such inquiry beyond the limits of the state. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof, which shall at once be made public, shall be open to public inspection and shall be recorded by the secretary of the board; said decision shall for 6 months be binding on the parties who join in the ~~application~~ **agreement as specified in section 11** or until the expiration of 60 days after either party has given notice to the other in writing of his ~~intention~~ **decision** not to be bound thereby; such notice may be given to the employees by posting it in 3 conspicuous places in the shop, factory, yard, or other place where they work.'