

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 1065

H. P. 1461

House of Representatives, February 21, 1947.

Transmitted by revisor of statutes pursuant to joint order

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Brown of Baileyville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Amending the Law Relating to the State Board of Arbitration and Conciliation.

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, as amended by section 1 of chapter 282 of the public laws of 1945, is hereby further amended to read as follows:

‘Sec. 10. Appointment and qualification of state board of arbitration and conciliation; salaries and expenses; duties; authority to call elections, certify bargaining agencies and 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 be chairman of the board and 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 secretary. Members of the board shall each receive ~~\$5~~ \$25 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 may in any case which it investigates, and shall, in every case where a controversy or dispute is submitted to it by agreement, as provided in section 11, or whenever the governor proclaims that a controversy or dispute endangers or threatens the public welfare and directs the board to act, as provided in section 14-A, determine and certify the proper bargaining unit and the proper bargaining agent for the workers concerned. The board, for the purpose of determining such bargaining unit and agent is empowered to hold and supervise appropriate elections, at which voting shall be by secret ballot, and the agency which shall receive a majority of the votes cast in any election so held shall be certified by the board as the bargaining agency for the workers concerned.** 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~~ in 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, as amended by section 2 of chapter 282 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 11. Board to be notified of strike, or threatened strike; proceedings in settlement of strike. 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 blameworthy 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, § 14-A, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto a new section to be numbered 14-A, to read as follows:

'Sec. 14-A. Governor empowered to proclaim that labor dispute threatens public welfare; may direct investigation by state board; may direct attorney-general to enforce compliance with board's decision, through superior court. Whenever a dispute or controversy between an employer or employers and employees arises, which is of such a nature that it, in the opinion of the governor, endangers or threatens the public welfare, he may issue his proclamation accordingly and may direct the state board to proceed to investigate such dispute or controversy, or to continue and expedite its investigation if it is already conducting such an investigation; and the investigation shall be conducted and the report of the board's decision be made and filed in the manner provided for in section 12; and the report of the board shall contain a finding of facts, and its decision shall specify the action to be taken by all parties to the dispute or controversy, for the purpose of protecting the public welfare. The governor in his direction to the board may prescribe the time within which the board shall file its decision. If upon the filing of such report and decision by the board, regardless of whether the parties to the controversy may have agreed to be bound by the decision in the manner provided in section 11, the governor, may, if in his opinion the public welfare requires such action, direct the attorney-general to proceed immediately to obtain mandatory process for enforcing compliance with the board's decision by all parties to the dispute or controversy. The attorney-general shall, upon being so directed by the governor, file a petition or a bill in equity, upon behalf of the state, together with a complete and attested copy of the record of the findings and decision of the board, with the clerk of the superior court for the county of Kennebec, praying for mandatory process to enforce compliance with such decision.'

Any justice of the superior court, in term time or vacation, may, after such notice to the parties as he may order, hold a hearing for the purpose of determining whether or not the decision of such board is lawful, just, fair and reasonable, and in the public interest. If upon such hearing the court shall find the decision to be lawful, just, fair and reasonable, and in the public interest, it may issue its mandate enforcing compliance with the board's decision; but if the court shall find that the decision of the board is not lawful, just, fair and reasonable, and in the public interest, it shall issue its decree vacating the board's decision and shall recommit the cause for further investigation, report and decision.

Any mandatory decree, order or rule issued by the court enforcing compliance with the board's decision, shall remain in force for a period of 6 months from the date thereof, or for such period, not exceeding 6 months, as the court may order, unless such decree, order or rule be revoked or released by the court at an earlier time.

Appeal as to matters of law may be had from any decree, order or rule issued under this section, provided any party desiring to make such an appeal shall, within 10 days of the date of the decree, order or rule, file in the office of the clerk of courts notice of its intention to appeal, together with a brief statement of the basis for such appeal; but such decree, order or rule shall remain in full force and virtue pending such appeal.'