

MAINE STATE LEGISLATURE

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

Legislative Document

No. 244

S. P. 191

In Senate, February 1, 1949.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Hopkins of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

**AN ACT to Provide Facilities for the Peaceful Settlement of Industrial
Disputes Through Mediation.**

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

Sec. 1. R. S., c. 25, §§ 9-A-9-C, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 9-A to 9-C, inclusive, to read as follows:

‘Division of Mediation

Sec. 9-A. Declaration of policy. It is hereby declared to be the policy of the state to provide full and adequate facilities for the settlement of disputes between employers and employees or their representatives through mediation.

Sec. 9-B. Division of mediation; creation; officers. There is hereby created a division of mediation, hereinafter in sections 9-A to 9-C, inclusive, called the “division”, within the department of labor and industry. The division shall be under the direction of the commissioner. The commissioner shall have the authority to appoint and to fix the compensation of such mediators and other employees of the division as may be necessary, subject to the provisions of the personnel law.

Sec. 9-C. Functions of the commissioner. It shall be the duty of the commissioner, in order to minimize the effects of labor disputes:

- I. To encourage employers and employees to settle their differences by conference between representatives of the parties, and by other peaceful means without resort to strikes or lockouts; and
- II. To assist parties to labor disputes to settle such disputes through mediation.

Subject to such rules and regulations as he may prescribe, the commissioner may offer the services of the division in any labor dispute, either upon his own motion or upon the request of one or more of the parties to the dispute. Whenever the commissioner does offer such service in any dispute, he shall use his best efforts to bring the parties to an agreement. Any officer or employee of the division, designated by the commissioner, is authorized to perform or participate in the mediation services provided.

The commissioner may, from time to time, appoint special mediators to aid in the settlement of particular labor disputes or controversies and such special mediators when appointed shall have the same power and authority as regular mediators of the division and such appointment shall be for the duration only of the particular dispute; provided that the commissioner may revoke such power and authority at any time. Such special mediators shall be paid on a per diem basis, and expenses, to be determined by the governor and council.

Any information, documents, files or records received or kept by the department, its employees or appointees in carrying out the provisions of these sections shall be privileged, subject to waiver in writing only by the commissioner.'

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 and commissioner to be notified; 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 each 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. Whenever the parties involved in a dispute, strike or lockout agree to arbitrate and abide by the decision of the board of arbitration or to a local board of arbitration, they shall report such fact to the secretary of the state board of arbitration and to the commissioner.

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, as amended by section 3 of chapter 282 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 12. Board may make 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 of parties involved, 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, and 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 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 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.'