

MAINE STATE LEGISLATURE

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

Legislative Document

No. 885

H. P. 1322

House of Representatives, February 22, 1951.

Referred to Committee on Labor, sent up for concurrence and ordered printed

HARVEY R. PEASE, Clerk.

Presented by Mr. Delahanty of Lewiston.

STATE OF MAINE

**IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE**

**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-E - 9-G, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 9-E to 9-G, inclusive, to read as follows:

‘Division of Mediation

Sec. 9-E. 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-E. Division of mediation; creation; officers. There is hereby created a division of mediation, hereinafter in sections 9-E to 9-G, 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-G. 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, § 10, amended. The 7th sentence of section 10 of chapter 25 of the revised statutes is hereby amended to read as follows:

'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 settle questions related to the determination of a bargaining agent. When such question shall be presented, the commissioner or the board shall act only upon

written request of either party and when the request originates from employees, the request must be accompanied by evidence satisfactory to the commissioner or board indicating that not less than a majority of the employees have by their own voluntary action indicated a desire to be represented by the specified bargaining agent. The board shall have the duty to endeavor to settle disputes, strikes and lockouts between employers and employees.'

Sec. 3. R. S., c. 25, § 11, amended. Section 11 of chapter 25 of the revised statutes, as amended, is hereby further 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 commissioner of labor and industry** or 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 to **arbitration**, 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.'