

MAINE STATE LEGISLATURE

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

Legislative Document

No. 355

S. P. 161

In Senate, February 2, 1955.

Referred to Committee on Labor. Sent down for concurrence and 750 copies ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Reid of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to the Reorganization of 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 R. S., c. 30, § 15, repealed and replaced. Section 15 of chapter 30 of the revised statutes is hereby repealed and the following section enacted in place thereof:

‘Sec. 15. Appointment and qualification of Board; salaries and expenses; duties; 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. 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 \$35 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. 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.

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.'

Sec. 2. R. S., c. 30, §§ 15-A - 15-K, additional. Chapter 30 of the revised statutes is hereby amended by adding thereto 11 new sections to be numbered 15-A to 15-K, to read as follows:

'Sec. 15-A. Duties of the Board. The Board's responsibility is to further harmonious labor-management relations in this State. They may serve as a Board of Inquiry, as a Board of Conciliation or as a Board of Arbitration.

Sec. 15-B. Powers of the Board. The Board shall have the power to inquire and investigate. It shall have the authority to subpoena either party to a dispute.

Sec. 15-C. Authority to summon witnesses and require production of books. The Board may summon as witness any operative or any person who keeps records pertinent to the case at hand and may require the production of all such necessary records or books or notarized statement of recorded information necessary to the adjudication of the problem under discussion. Summonses may be signed and oaths administered by any member of the Board. Witnesses summoned by the Board shall be allowed the same fees as are paid to witnesses in the Superior Court of the State of Maine; these fees together with all necessary expenses of the Board shall be paid by the Treasurer of the State on warrants drawn by the Controller.

Sec. 15-D. The Board may recess any negotiations. When the Board has taken jurisdiction of a case where a dispute exists, it may, at its discretion, recess the hearings for any reasonable purpose and may call a subsequent meeting as soon as practical at any appropriate place or time which it may designate for a continuation of the proceedings.

Sec. 15-E. Board to be notified of strike or threatened strike; proceedings in settlement of strike. Whenever it appears to the employer or employees concerned in a dispute that a strike is threatened, or 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 mayor of a city or the selectmen of a town or any citizen of the State directly involved.

If, when such notification is received, it appears that as many as 10 employees are directly concerned therein, the State Board of Arbitration and Conciliation shall endeavor, by conciliation, to obtain an amicable settlement; failing that, endeavor to persuade such employer and employees to submit the matter to arbitration by the State Board, or a local board of arbitration.

Except in cases in which the public welfare is involved, a minimum of 3 working days notice shall be required before the Board will convene.

The Board may, at its discretion, in any particular case delegate its authority to a local board established by the parties as set forth in section 15-I, or which the State Board has appointed for the purpose of conciliating the particular case.

Each member of the State Board, in cases of illness or other incapacity to serve in a specific case, may designate an alternate to serve in his place and may delegate to such alternate his full authority for the duration of the specific case.

Any member of the Board shall disqualify himself and shall designate an alternate in any case in which his personal interest is involved.

Sec. 15-F. Board may make inquiry into cause of controversy, hear the parties and serve as conciliators of the disputes. In any controversy where not less than 10 employees are directly concerned, the Board shall, upon notification as herein provided, as soon as practicable, visit the place where the controversy exists or arrange a meeting of the interested parties at a convenient place, and shall make careful inquiry into the cause of the dispute or controversy, and the Board may, with the consent of the Governor, conduct such inquiry beyond the limits of the State.

The Board shall hear all interested persons who come before it, advise the respective parties what ought to be done by either or both to adjust such controversy, and shall, when the case is finally settled, make a written report to the Governor and the Commissioner of Labor and Industry.

Sec. 15-G. Controversy may be submitted to arbitration; decision. If the case cannot be settled through the process of conciliation, the interested parties may submit the case to arbitration by filing an arbitration application with the secretary or chairman of the State Board.

The secretary of the Board shall forthwith after such filing give notice of the time and place of hearing to both parties.

Sec. 15-H. Procedure in arbitration. In cases of arbitration, the parties concerned must submit in writing to the Board the matters to which they mutually agree to submit to arbitration; the time limit that they agree to abide by the decision of the Board; and such other details pertinent to the issues involved as they may agree upon, and a promise to continue in business or at work without any strike or lockout until the decision of the Board is handed down if such decision is made within 3 weeks after the date of filing the application for arbitration. The contract of arbitration shall be signed by the responsible parties and witnessed by the Board. When the matter is submitted to arbitration by the Board, said Board shall investigate the matters in controversy, shall hear all interested persons who come before it, and make a written decision thereof which shall be recorded by the secretary of the Board; said decisions shall be for 6 months, unless in the contract of arbitration a different time limit is specified, and shall be binding on the parties who join in the agreement as specified above 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, and copy of such notice shall be filed with the secretary or chairman of the Board.

Sec. 15-I. Controversy may be submitted to local board of arbitration; decision. On agreement of both parties in any controversy described in section 15-E, the State Board may submit such controversy to a local board of arbitration selected by the State Board and composed of 3 persons, 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. Such Board shall have all the powers exercised by the State Board and the same requirement as to contract of arbitration must be met, and its decision shall have the same effect as that of the State Board. The decision of said Board shall be rendered within 10 days after the close of any hearing held by it and copies of the decision shall at once be forwarded to the parties to the contract of arbitration and a copy thereof shall be filed with the secretary of the State Board. If the case is delegated to a local board by the State Board, each of the members of the local board shall be entitled to receive \$15 for each day of actual service, to be paid by the Treasurer of State on a warrant drawn by the Controller after approval by the chairman of the State Board of Arbitration and Conciliation.

Whenever the parties to a dispute have submitted their case to either private mediators or arbitrators, or to a State mediator, the State Board of Arbitration and Conciliation shall not take jurisdiction until requested to do so by the parties involved.

Sec. 15-J. Application for inquiry; secretary to give notice of time and place of hearing. In cases of controversy, where conciliation, mediation or arbitration is refused by one of the parties, either party may request the Board to make inquiry. The application for such inquiry may be signed by the employer or by a majority of the employees in the department of the business in which the controversy exists or by their agent or by both parties, and, if signed by an agent that he is duly authorized to do so.

Upon receipt of the application for such inquiry, the secretary shall give notice of time and place of hearing, and may, at the Board's discretion, give public notice by publishing in at least one newspaper the time and place of the hearing.

The State Board shall, upon request of the Governor or the mayor of a city or the selectmen of a town, investigate and report upon any controversy if, in his opinion, it threatens to affect the public welfare.

The Board, after such inquiry, may make and publish a report of its findings.

Sec. 15-K. Advertising or solicitation during strike or disturbance, regulated; exceptions; penalty. If any employer, during the continuance of a strike among his employees, or during the continuance of a lockout or other labor trouble among his employees, publicly advertises in newspapers, or by posters or otherwise, for employees, or by himself or his agents solicits persons to work for him to fill the places of strikers, he shall plainly and explicitly mention in such advertisements or oral or written solicitations that a strike, lockout or other labor disturbance exists. If any employee, during the continuance of a

strike, lockout or other labor trouble who advertises for or solicits business for a competitor of the employers engaged in the labor dispute, he shall plainly and explicitly mention in such advertisement or oral or written solicitations that a strike, lockout or other labor disturbance exists. The provisions of this section shall cease to be operative when the State Board of Arbitration and Conciliation shall determine that the business of the employer, in respect to which the strike or other labor trouble occurred, is being carried on in the normal and usual manner and to the normal and usual extent. Said Board shall determine this question as soon as may be, upon the application of the employer. Any person, firm, association or corporation who violates the provisions of this section shall be punished by a fine of not less than \$250 nor more than \$500.'

Sec. 3. R. S., c. 30, §§ 16-21, repealed. Sections 16 to 21, inclusive, of chapter 30 of the revised statutes, which relate to the State Board of Arbitration and Conciliation, are hereby repealed.