

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

is published within the county where the work is to be done, provided a daily newspaper is published in such county, otherwise in a weekly newspaper published in such county, and specifications and plans for the same shall be provided and be accessible for figuring, for at least thirty days before the opening of the bids, and if the bidders have conformed to all the requirements called for in the advertisements for bids, and the lowest bidder is financially responsible and able to furnish proper bonds for the fulfillment of his contract, such contract for work or materials shall be awarded by the proper officers of the state, county, city, or institution, to such bidder; provided the bid submitted by the lowest bidder is equally favorable with bids submitted by any contractors residing without the state, as above provided. This act shall not apply to construction or repairs amounting to less than one thousand dollars, or to emergency work, or to state road work.

—proviso.

—when this act shall not apply.

Section 2. Every institution and municipality calling for bids as above provided, shall enter proposals and bids upon its books, showing the name, residence of each bidder, and the amount and terms of each bid, and to whom the work or contract was awarded; and the same shall be open to inspection of the governor and council.

Proposal and bids shall be recorded.

Approved April 2, 1909.

Chapter 229.

An Act creating a State Board of Arbitration and Conciliation.

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

Section 1. A state board of arbitration and conciliation is hereby created, the duties of which shall be to endeavor to settle disputes, strikes and lockouts between employers and employees.

State board of arbitration and conciliation created.

Section 2. Within thirty days after this act shall become a law, the governor, with the advice and consent of the executive council, shall appoint three competent persons as members of such board, one of whom shall be an employer of labor or selected from some association representing employers of labor, one shall be an employee or an employee selected from some bona fide trade or labor union and not an employer of labor, and the third shall be appointed on the recommendation of the other two: Provided, that if the two appointed do not agree on the third man at the expiration of thirty days from their appointment, he shall be selected and appointed by the governor.

Appointment and qualification.

—proviso.

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—tenure.

One shall be designated to serve one year, one for two years and one for three years or until their successors are appointed and qualified; and thereafter appointments shall be made for three years, and if at any time a vacancy occurs it shall be filled for the unexpired term.

Compensation.

Section 3. The members of the board shall receive a compensation of three dollars per diem for the time actually employed and shall receive traveling and all other necessary expenses. Each member before entering upon the performance of his duties shall be sworn to the faithful performance thereof. The board shall from time to time make such rules of procedure as it deems necessary and shall annually, on or before the first day of December, make a report to the governor and council, which shall be incorporated in and printed with the annual report of the bureau of industrial and labor statistics. The board shall hold a meeting on the third Wednesday of September in each year and shall organize by choosing a chairman and secretary, both of whom shall be members of the board: Provided, the first meeting shall be held as soon as convenient after all the members have been appointed.

—shall be sworn.

—rules of procedure.

—annual report.

—annual meetings.

—choose chairman and secretary.

Board shall be notified of strike, or threatened strike.

Section 4. If it appears to the mayor of a city or the selectmen of a town that a strike is seriously threatened or actually occurs, he or they shall at once notify the state board, and such notification may also be given by the employer or employees actually concerned in the strike or lockout. If, when such strike is threatened or actually occurs, it appears that as many as ten employees are directly concerned therein, the state board shall, 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 conciliation and arbitration or to the state board. If the matter be submitted, the board to which it is submitted 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.

—proceedings in settlement of strike.

—governor may request state board to investigate.

Upon application, board shall make careful inquiry into cause of controversy.

Section 5. In any controversy where not less than ten 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

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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 six months be binding on the parties who join in the application or until the expiration of sixty days after either party has given notice to the other in writing of his intention not to be bound thereby, such notice may be given to the employees by posting it in three conspicuous places in the shop, factory, yard, or other place where they work.

Section 6. Said application 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 duly authorized agent or by both parties, and, if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized to do so. The application shall contain a statement of the matter in controversy and a promise to continue in business or at work without any strike or lockout until the decision of the board if made within three weeks after the date of filing the application. The secretary of the board shall forthwith after such filing cause public notice to be given of the time and place of the hearing on the application unless both parties join in the application and present therewith the written request that no public notice shall be given. If such request is made, notice shall be given to the parties in such a manner as the board shall order, and the board may give public notice notwithstanding such request.

Section 7. The board may summon as witnesses any operative or any person who keeps the record of wages earned in the department of business in which the controversy exists and may require the production of books which contain the record of wages paid. 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 supreme judicial court, these fees together with all necessary expenses of the board shall be paid by the state treasurer from the fund provided by this act on warrants drawn by the governor and council.

Section 8. The parties to any controversy described in section five may submit such controversy to a local board of arbi-

—shall hear all parties interested.

—make written decision, and make public same.

—decision shall be binding.

Who may sign application.

—what shall be stated in application.

—secretary shall give notice of time and place of hearing.

Board may summon witnesses.

—require production of books.

—fees of witnesses.

Controversy may be submitted

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to local board of arbitration.
—local board, how chosen.

—decision shall be rendered within ten days.

—compensation of arbitrators.

Appropriation.

tration and conciliation which may be either mutually agreed upon or may be composed of three persons, one of whom shall be designated by the employer, one by the employees or their duly authorized agent; the third, who shall be chairman, by the other two; such board shall have all the powers exercised by the state board, and its decision shall have the same effect as those of the state board. The decision of said board shall be rendered within ten days after the close of any hearing held by it and shall at once be filed by the clerk of the municipality where the controversy arose, and a copy thereof shall be filed with the secretary of the state board by the clerk of the said municipality. Each of said arbitrators shall be entitled to receive three dollars for each day of actual service to be paid by the state treasurer on a warrant drawn by the governor and council from the funds provided by this act.

Section 9. The sum of one thousand dollars is hereby appropriated, the same, or so much thereof as may be necessary, to be used for the purposes of this act for the years nineteen hundred nine and nineteen hundred ten.

Approved April 2, 1909.

Chapter 230.

An Act additional to Chapter one hundred ninety-three, of the Public Laws of nineteen hundred and nine, relating to the Maine Forestry District.

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

Emergency statement.

Whereas, the forests situated mainly in the plantations and unorganized townships are one of the chief sources of wealth of the state, and the protection of such forests from destruction by fire is of the greatest importance; to this end it is a paramount duty of this legislature to have funds provided without delay for such protection. Delay in the providing of such funds would expose such forests to danger of destruction by fires, preventable by adequate precautions. In the judgment of this legislature, the facts expressed in the above preamble constitute an emergency, and the measure hereinafter set forth is immediately necessary for the preservation of the public safety; therefore,

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

Expenses not exceeding \$25,000 may be paid at any time.

Section 1. Any expenses incurred under the provisions of chapter one hundred and ninety-three, of the public laws of the year nineteen hundred and nine, not exceeding twenty-five thousand dollars, may be paid out of any moneys in the treasury not otherwise appropriated, and the governor and council