

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 89, § 3.

In the introductory language of this section, the phrase "[o]n or before" is substituted for the former ambiguous word "by" to clarify that reports may be submitted on January 10.

Also in the introductory language of this section, the former words "no later than January 10, 1970" are deleted as obsolete.

As to the substitution of "Mediation Service" for the former reference to the "Commissioner", see the revisor's note to § 4-202 of this subtitle.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that this section requires submission of information that, the Mediation Service indicates, is duplicative of information obtained in reports required by federal law. Therefore, the General Assembly may wish to enable the Mediation Service to require reports as it considers necessary.

Defined term: "Mediation Service" § 4-101

GENERAL REVISOR'S NOTE TO SUBTITLE :

Chapter 671, Acts of 1904, enacted former Art. 89, §§ 3 through 10 as a subtitle "Arbitration of Labor Disputes". These former sections provided a scheme for investigation and mediation of labor disputes and for the formation of boards of arbitration on failure of mediation. Chapter 406, Acts of 1916, enacted former Art. 89, § 11 as a subtitle "Arbitration of Disputes between Employers and Employees". This former section also provided for the appointment of boards of arbitration. Chapter 938, Acts of 1945, consolidated former §§ 3 through 13 as a single subtitle entitled "Arbitration of Labor Disputes".

The later enacted provisions of former Art. 89, § 11 limited the power to form a board to instances in which the Governor agrees. Thus, the later enacted provisions seemed to abrogate the earlier provisions of §§ 3 through 10, as those former provisions authorized formation of boards of arbitration, although this result is not irrefutable, in light of the retention of those former provisions in 1945.

Those former provisions referred to a dispute that might result in a lockout or strike and that involves an employer with at least 10 employees. Therefore, the former provisions could be regarded as limiting the types of disputes in which the Commissioner could intervene and, thus, as narrower than and unnecessary in light of the later enacted and broader § 11. On the other hand, former §§ 3 through 10 arguably enabled the Commissioner to dispense with gubernatorial approval if a lockout or strike is imminent.

The Labor and Employment Article Review Committee decided that the former general reference to a dispute "which may result in a strike or lockout" lacked the element of immediacy that would have supported interpretation of the former reference as an exception to the requirement for gubernatorial approval for creation of a board.