

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 381

H. P. 313

House of Representatives, February 7, 1979

Referred to the Committee on Labor. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Cunningham of New Gloucester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Establish Strike Penalties.

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

Sec. 1. 26 MRSA § 964, sub-§ 3, as repealed and replaced by PL 1971, c. 609, § 2, is amended to read:

3. Violations. Violations of this section shall be processed by the board in the manner provided in **section 964-A, subsection 2, and** section 968, subsection 5.

Sec. 2. 26 MRSA § 964-A is enacted to read:

§ 964-A. Strike penalties

1. Violations; penalties. In the event a public employer determines that a public employee or public employee organization has violated any provisions of section 964, subsection 2, paragraph C, the following penalties shall automatically take effect.

A. Any public employee who violates section 964, subsection 2, paragraph C, shall have deducted from his salary or wages an amount equal to twice his per diem rate of pay for each day or part thereof that it was determined that he had violated section 964, subsection 2, paragraph C.

B. Any public employee who violates section 964, subsection 2, paragraph C, may be subject to dismissal or other disciplinary action as determined by the affected public employer.

C. Any public employee organization that violates section 964, subsection 2, paragraph C, through its agents, members or employees, shall forfeit its dues deduction privileges, as may be provided by contract, for a period of 2 years from the date that the violation occurred.

2. Hearing. The Maine Labor Relations Board shall conduct a hearing, at the earliest possible time, but not later than 30 days, unless a court of competent jurisdiction has already ruled on the matter whenever a violation of section 964, subsection 2, paragraph C, has been alleged against any public employee or public employee organization.

STATEMENT OF FACT

The purpose of this bill is to identify statutory penalties for participating in illegal work stoppages, slowdowns or strikes. The present law fails to adequately identify what penalties may be applied to local public employees who participate in illegal strikes, work stoppages or slowdowns.