

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 446

H. P. 347

House of Representatives, February 8, 1979

On Motion of Mr. Wyman of Pittsfield referred to the Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Bowden of Brooklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Clarify the State Employees Labor Relations Law.

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

26 MRSA § 979-C, sub-§ 2-A is enacted to read:

2-A. Noncoercive speech not prohibited. Neither the dissemination of information, including information concerning a negotiation, nor the expression or dissemination of any views, arguments or opinions, whether in written, printed, graphic or visual form, shall:

A. Constitute or be evidence of a violation of this section or any other prohibited act or practice under any provision of this chapter; or

B. Be a ground for declining to certify the results of an election to determine a bargaining agent,

if the information, views, arguments or opinions disseminated or expressed contain no threat of reprisal or force or promise of benefit.

STATEMENT OF FACT

This bill would preclude finding a public employer guilty of an unfair labor practice, called a prohibited practice in Maine law, on the basis of any

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communication to the general public or their employees unless the contents of the communication would have a tendency to coerce the employees in the choice of a bargaining agent or in exercising their right to bargain collectively.

This bill is an adaption to the Maine statute of a provision from the National Labor Relations Act, revised to incorporate N. L. R. B. interpretations during the years subsequent to adoption of the provision in question.