

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 209

6  
7 H.P. 175

House of Representatives, January 29, 1985

8 Reference to the Committee on Labor suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Willey of Hampden.

Cosponsored by Senator Twitchell of Oxford, Representative Bell of Paris and Representative Brown of Gorham.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Restrict the Payment of  
18 Unemployment Compensation Benefits to  
19 Workers Who are on Strike.  
20

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

23 26 MRSA §1193, sub-§4, as amended by PL 1983, c.  
24 351, §17, is further amended to read:

25 4. Labor dispute. For any week with respect to  
26 which the deputy, after notification by the Director  
27 of Unemployment Compensation pursuant to section  
28 1194, subsection 2, finds that his total or partial  
29 unemployment is due to a ~~stoppage of work which ex-~~  
30 ~~ists because of~~ a labor dispute or to shut-down or  
31 start-up operations caused by that labor dispute at  
32 the factory, establishment or other premises at which  
33 he is or was employed. This subsection shall not ap-  
34 ply if it is shown to the satisfaction of the deputy  
35 that:

1 A. He is not participating in or financing or  
2 directly interested in the labor dispute which  
3 caused the stoppage of work;

4 B. He does not belong to a grade or class of  
5 workers of which, immediately before the com-  
6 mencement of the stoppage labor dispute there  
7 were members employed at the premises at which  
8 the stoppage dispute occurs, any of whom are par-  
9 ticipating in or financing or directly interested  
10 in the dispute;

11 C. He has obtained employment subsequent to the  
12 beginning of the stoppage of work labor dispute  
13 and has earned at least 8 times his weekly bene-  
14 fit amount or has been in employment by an em-  
15 ployer for 5 full weeks; or

16 D. He became unemployed because of a strike or  
17 lockout caused by an employer's willful failure  
18 to observe the terms of the safety and health  
19 section of a union contract; an employer's  
20 willful failure to comply in a timely fashion  
21 with an official citation for a violation of fed-  
22 eral and state laws involving occupational safety  
23 and health; or the quitting of labor by an em-  
24 ployee or employees in good faith because of an  
25 abnormally dangerous condition for work at the  
26 place of employment of that employee or employ-  
27 ees; provided that the strike or lockout shall  
28 not extend past the time of the employer's com-  
29 pliance with the safety and health section of the  
30 union contract, the employer's compliance with  
31 the official citation, or the finding that an ab-  
32 normally dangerous condition does not exist by a  
33 federal or state official empowered to issue of-  
34 ficial citations for violation of federal and  
35 state laws involving occupational safety and  
36 health.

37 If in any case separate branches of work which are  
38 commonly conducted as separate businesses in separate  
39 premises are conducted in separate departments of the  
40 same premises, each such department shall, for the  
41 purposes of this subsection, be deemed to be a sepa-  
42 rate factory, establishment or other premises;

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STATEMENT OF FACT

2           The purpose of this bill is to ensure that strik-  
3 ing workers are not entitled to receive unemployment  
4 benefits. In the recent decision of Archer v Coles  
5 Express, the Unemployment Compensation Commission  
6 awarded benefits to employees who were on strike.  
7 The basis for the decision was that since the employ-  
8 er had hired replacements and had resumed normal op-  
9 erations, the normal statutory disqualification did  
10 not apply.

11           This decision is contrary to the longstanding  
12 state policy of absolute neutrality in labor disputes  
13 which prohibits the use of unemployment benefits to  
14 subsidize strikes.

15           This bill eliminates the unfair requirement that  
16 the employer's operations must come to and remain at  
17 a halt before the normal statutory disqualification  
18 applies. If the worker's unemployment is caused by a  
19 labor dispute, the disqualification will apply re-  
20 gardless of whether replacements have been hired. As  
21 under present law, the disqualification will be tem-  
22 porary and will continue only until the worker has  
23 earned a sufficient amount of wages in subsequent em-  
24 ployment.

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