

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND SPECIAL SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1919

H.P. 1415 House of Representatives, October 22, 1987
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Received by the Clerk of the House on October 21, 1987.
Referred to the Committee on Labor and 1,650 ordered printed
pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk
Presented by Representative JOSEPH of Waterville.
Cosponsored by Speaker MARTIN of Eagle Lake, President
PRAY of Penobscot, and Senator DUTREMBLE of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Encourage Prompt and Peaceful
2 Settlements of Labor Disputes.
3

4 **Emergency preamble.** Whereas, Acts of the Legis-
5 lature do not become effective until 90 days after
6 adjournment unless enacted as emergencies; and

7 Whereas, there are labor disputes currently
8 ongoing in this State which have unjustly deprived
9 dedicated workers of their job; and

10 Whereas, this bill is urgently needed to encour-
11 age prompt and peaceful settlement of these labor
12 disputes; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 Sec. 1. 26 MRSA §852, as enacted by PL 1965, c.
10 189, is repealed and the following enacted in its
11 place:

12 §852. Recruitment of professional replacements pro-
13 hibited

14 A person, partnership, union, agency, firm or
15 corporation, or any officer, employee or agent of
16 such an entity shall not recruit, procure, supply or
17 refer any person for employment:

18 1. Persons. Who, customarily and repeatedly in
19 the normal course of business, offers himself or oth-
20 ers for employment to perform the duties normally as-
21 signed to employees in a labor dispute, strike or
22 lockout; or

23 2. Use or assistance. By the use of or with the
24 assistance of an individual or organization which
25 customarily or repeatedly offers himself or others
26 for employment to perform the duties normally as-
27 signed to employees involved in a labor dispute,
28 strike or lockout.

29 Sec. 2. 26 MRSA §853, as enacted by PL 1965, c.
30 189, is repealed and the following is enacted in its
31 place:

32 §853. Employment of professional replacements pro-
33 hibited

34 A person, partnership, union, firm or corporation
35 involved in a labor dispute, strike or lockout shall
36 not, directly or indirectly:

1 1. Employment or retention. Employ or retain
2 any person or organization which customarily and re-
3 peatedly in the normal course of business offers him-
4 self or others for employment to perform the duties
5 normally assigned to employees involved in a labor
6 dispute, strike or lockout; or

7 2. Contracts or arrangements. Contract for or
8 arrange with any entity described in subsection 1 to
9 employ the services of those persons.

10 Sec. 3. 26 MRSa §855-A is enacted to read:

11 §855-A. Civil action; injunctive or other relief

12 Any person, corporation or labor organization may
13 bring a civil action for injunctive or other relief
14 to enforce this chapter. Actions brought under this
15 section are not subject to sections 5 to 7.

16 Sec. 4. 26 MRSa §857 is enacted to read:

17 §857. Exemptions

18 This subchapter does not apply to the employment
19 of:

20 1. Security guards. Security guards during a
21 labor dispute if the security guards perform security
22 guard duties only;

23 2. Special maintenance work. Special mainte-
24 nance work performed by persons employed by the sell-
25 er or manufacturer of the equipment maintained or by
26 persons who have performed the maintenance work on
27 the equipment prior to the beginning of the labor
28 dispute, strike or lockout; and

29 3. Permanent employees. Permanent employees of
30 the employer involved in the labor dispute regardless
31 of their usual occupation or duty station.

32 Emergency clause. In view of the emergency cited
33 in the preamble, this Act shall take effect when ap-
34 proved.

1

STATEMENT OF FACT

2

The purpose of this bill is reflected in the
3 emergency preamble.

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