

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 875

H.P. 615

House of Representatives, February 27, 1991

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

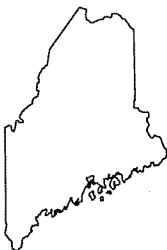
Presented by Representative LUTHER of Mexico.

Cosponsored by Representative PINEAU of Jay, Senator BUSTIN of Kennebec, Senator MILLS of Oxford, Representative CLARK of Millinocket and Representative McHENRY of Madawaska.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Prevent Striking Workers from Being Permanently Replaced
by Strikebreakers.**



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

2
4 Sec. 1. 26 MRSA §§852-A and 855-A are enacted to read:

6 **§852-A. Professional strikebreaking prohibited**

8 1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

10 A. "Strikebreaking activity" means the offering or supplying of persons to perform the tasks normally assigned to employees involved in a labor dispute, strike or lockout.

12 2. Professional strikebreaking activity prohibited. A person, partnership, union, agency, firm, corporation or other legal entity may not perform strikebreaking activities if that entity has contracted, on at least 3 occasions within the previous 5 years, to supply 100 or more employees to an employer involved in a labor dispute to perform tasks normally assigned to employees involved in the labor dispute.

14 **§855-A. Civil action; injunctive or other relief**

16 Any person, corporation or labor organization with judicial standing may bring a civil action for injunctive or other relief to enforce this subchapter.

18
20 Sec. 2. 26 MRSA §856, as enacted by PL 1965, c. 189, is repealed.

22
24 Sec. 3. 26 MRSA §857 is enacted to read:

26 **§857. Exemptions**

28 This subchapter does not apply to the employment of:

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

32 2. Special maintenance workers. Special maintenance workers employed by the seller or manufacturer of the equipment maintained or persons who have performed the maintenance work on the equipment prior to the beginning of the labor dispute, strike or lockout; and

34 3. Permanent employees. Permanent employees involved in the labor dispute regardless of their usual occupation or duty station.

