

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 686

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H.P. 505

House of Representatives, February 28, 1995

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### **An Act to Prohibit the Employment of Professional Strikebreakers.**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SAMSON of Jay.

Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BERRY of Livermore, BOUFFARD of Lewiston, BRENNAN of Portland, CHARTRAND of Rockland, CHASE of China, CHIZMAR of Lisbon, FITZPATRICK of Durham, GREEN of Monmouth, HATCH of Skowhegan, HEESCHEN of Wilton, JONES of Bar Harbor, LEMAIRE of Lewiston, LUTHER of Mexico, POVICH of Ellsworth, RICHARDSON of Portland, ROSEBUSH of East Millinocket, ROWE of Portland, SHIAH of Bowdoinham, TOWNSEND of Portland, TREAT of Gardiner, VOLENIK of Sedgwick, Senators: BUSTIN of Kennebec, FAIRCLOTH of Penobscot, MILLS of Somerset, RAND of Cumberland, RUHLIN of Penobscot.

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

Sec. 1. 26 MRSA §852-A is enacted to read:

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

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

**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.

**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.

Sec. 2. 26 MRSA §856, as enacted by PL 1965, c. 189, is repealed.

Sec. 3. 26 MRSA §856-A is enacted to read:

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

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

Sec. 4. 26 MRSA §857 is enacted to read:

**§857. Exemptions**

This subchapter does not apply to the employment of:

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

**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

