

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

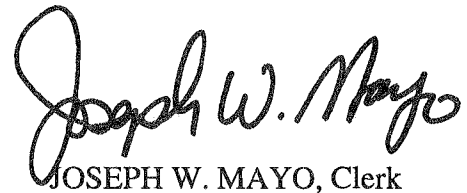
No. 113

H.P. 88

House of Representatives, January 9, 1997

An Act to Prohibit the Employment of Professional Strikebreakers.

Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative SAMSON of Jay.
Cosponsored by Senator RAND of Cumberland and
Representatives: AHEARNE of Madawaska, BERRY of Livermore, COLWELL of Gardiner,
JONES of Bar Harbor, McALEVEY of Waterboro, VOLENIK of Brooklin, WHEELER of
Eliot, Senator: PENDLETON of Cumberland.

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

4 Sec. 1. 26 MRSA §852-A is 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. "Professional 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 professional 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14 Sec. 2. 26 MRSA §856, as enacted by PL 1965, c. 189, is repealed.

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

18 §856-A. Civil action; injunctive or other relief

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

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

24 §857. Exemptions

26 This subchapter does not apply to the employment of:

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

30 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 before the beginning of the labor dispute, strike or lockout; and

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

6 Sec. 5. Application. This Act applies only to the prohibited
activity that occurs on or after the effective date of this Act.

8
10 **SUMMARY**

12 This bill prohibits the recruitment or employment of
13 professional strikebreakers and defines the term "professional
14 strikebreaking activity" so that the bill applies only to those
persons or organizations that have made a practice of supplying
16 replacement workers during labor disputes.

18 The prohibition may be enforced through a civil action filed
by any interested party. The employment of replacement workers
19 as security guards or as maintenance workers is exempt from the
prohibition, as is the employment of permanent employees who
20 choose to work during a strike.

22 Currently, the employment during a strike of a person who
23 customarily and repeatedly offers services in place of a striking
worker is a crime, punishable by a fine of up to \$300 or 180 days
24 in jail, or both. This bill repeals that provision.
26