

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

July 15, 1949

To Honorable Ralph Sterling, Register of Deeds, Skowhegan, Maine

I have your letter of July 14th inquiring in regard to Chapter 401 of the Public Laws of 1949. You state that your difficulty is with Section 3 and inquire,

"Does the new provision relative to charge for indexing instruments with more than two parties apply to all instruments or only instruments for which there are no printed forms which are referred to in the paragraph to which it was added?"

It seems to me that this applies only to instruments for which no printed forms are available.

You are entitled to make a charge for making additional indices where there are two grantors or grantees; but where the wife or husband only signs the deed releasing dower or courtesy rights, there is no need of double indexing.

RALPH W. FARRIS
Attorney General

July 15, 1949

To Marion Martin, Commissioner of Labor and Industry
Re: Procedure in Picketing

I have your memo of July 12th relating to the Old Town shoe workers' strike, stating that you would like to have specific rulings with regard to the law as it applies to these situations and asking the following questions:

"1. What constitutes 'mass picketing'?"

Answer. Boisterous conduct, the use of vile language, bellicose demeanor, threats, violence, coercion, intimidation, shouting, and interference with use of premises or impeding public highway are usually denominated mass picketing where a large number of pickets are used. Our courts have held that mass picketing is not peaceful picketing, but is illegal picketing in which laboring men and women have no right to participate. Under the Taft-Hartley Act there is a long definition relating to mass picketing, but it does not get-down to the point. It deals more with collective bargaining.

"2. Is there any limit to the number of pickets that may be used on the picket line, providing such pickets allow room for a person to pass through?"

Answer. I know of no statute setting the number of pickets in any picket line, where a strike is on; but any line of pickets that would interfere with the use of the premises or impede public highways would not be legal, as it would constitute mass picketing.

"3. Are pickets forbidden from making any comments while in picket line to those passing through the line?"

Answer. Any comments or words by pickets which tend to intimidate or inspire fear, overawe or make afraid other workers, or which tend to incite to violence would be classed as illegal picketing.

"4. Is there any restriction as to the size, shape or type of placard or sign that pickets may carry?"

Answer. I know of no restriction prescribed by law as to the size, shape or type of placard that pickets may carry. It is a method of giving expression to opinions and the aim of the placards or signs is to convince the public that some wrong is being done which should be rectified by the force of public opinion.

"5. Is there any law which forbids pickets from talking, singing or even calling names while on picket duty?"

Answer. See answers to Questions 1 and 3.

"6. Would people standing across the street from the picket line, in no way connected with the line, have the right to speak freely and say what they like?"

Answer. Everyone has a right to speak freely on every subject, but is responsible for the abuse of said privilege. If people standing across the street from a picket line use inflammatory language, inciting a riot, they certainly would not have a right to speak in language that would amount to threats, violence, or intimidation, especially shouting and interfering with the use of the premises or impeding the public highway.

"7. If, during a strike, the company opens a new plant doing the same type of work as the struck plant, would the unions have the right to picket the new plant?"

Answer. In my opinion, if it is the same employer and employees, I should say they would have a right to picket the new plant.

"8. A company, owning two factories in the same building but which have separate entrances and separate machine rooms, etc., uses workers interchangeably in those factories. A man may be officially listed on one payroll, but will work part-time in the other factory. In picketing the building, workers from both plants are placed at the entrance of each factory. The company maintains that pickets from one plant cannot be used to picket another, because 'they don't work there,' regardless of the fact that the workers are used interchangeably. If the management can use workers interchangeably, cannot they be interchangeable on the picket line?"

Answer. I would say that it is very hard to answer specifically such a question. However, it would seem to me that if they were working on the same premises, interchanging jobs in the same factory, the picket line could be interchangeable.

Do not consider the answers to these questions as law. They are merely advisory opinions based partly on court opinions and partly on the Taft-Hartley Law. We have no statutory law in Maine on the subject about which you inquire. I presume you have a copy of the Taft-Hartley Law in your file. If you look in the index to said law you will find "Mass picketing" with a very long commentary on what may constitute mass picketing.

RALPH W. FARRIS
Attorney General