

MAINE STATE LEGISLATURE

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no

April 11, 1952

To Sgt. N. Hamilton, Maine State Police
Re: Police Duty in Strikes

In accordance with your recent request this office has examined the law in relation to strikes and picketing.

I have before me a copy of a memorandum from your office dated July 27, 1949, subject: "Law and Comments on Police Duty in Time of Strikes."

Your comment in regard to arrest is correct, and seems to need nothing added to it.

In regard to picketing by strikers, comments there are well made and in keeping with the present law.

If I were to question any of these items, it would be the last, in which it is recited that booing and obscene talk are illegal and constitute a breach of the peace. If persisted in, I would agree that such is the case; but if it is a single item, not kept up, it would be questionable whether conviction at a time of picketing would follow.

The subjects of strikes and picketing are now primarily in the jurisdiction of the National Labor Relations Board and when lawfully conducted would not ordinarily call for consideration otherwise. Their unlawful conduct would not fall for your department's attention except as it involves infractions of the general laws such as have to do with assaults, intimidations, and the like.

A time of strike is a time of tension and it is for the reason that the application of the laws having to do with violence is oftentimes involved together with striking and picketing. The new authority granted by Congress to the National Labor Relations Board, as now amended by the Taft-Hartley Act, has not deprived the State of any jurisdiction it had concerning maintaining the peace, whether at time and place of strike, picketing, or otherwise; and the authority of the courts to restrain by injunction is still in effect on that same subject.

Neal A. Donahue
Assistant Attorney General

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