

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 754

H. P. 537

House of Representatives, January 29, 1963

Referred to Committee on Labor. Sent up for concurrence and 1500 ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Anderson of Ellsworth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Providing that Employment shall not be Conditioned upon Membership or Nonmembership in, nor upon Payment or Nonpayment of Money to, a Labor Organization.

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

Sec. 1. R. S., c. 30, §§ 16-A - 16-H, additional. Chapter 30 of the Revised Statutes is amended by adding 8 new sections to be numbered 16-A to 16-H, to read as follows:

‘Membership in Labor Organizations.

Sec. 16-A. Declaration of public policy. To require a person to be a member of, or not to be a member of, a private organization as a compulsory condition of work or employment is not in accord with fundamental principles of individual liberty and freedom of choice. It is therefore declared to be the public policy of this State that membership or nonmembership in a labor organization should not be made a condition of the opportunity to work or to be or remain in the employment of any employer; that employees should have the right to form, join, continue membership in, or assist labor organizations, and that employees should equally have the right to refrain from forming, joining, continuing membership in, or assisting labor organizations; and that any agreement, express or implied, between employers and labor organizations, or any practice whatsoever, which directly or indirectly makes membership or nonmembership in a labor organization, or support or nonsupport of a labor organization, a condition of employment or continued employment, is a violation of individual liberty and freedom and is against the public policy of this State.

Sec. 16-B. Definitions. The following terms used in sections 16-A to 16-H shall have the following meanings:

I. Labor organization. The term "labor organization" means any organization, or any agency or employee representation committee, plan or arrangement, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

II. Person. The term "person" shall include a corporation, association, company, firm or labor organization, as well as a natural person.

Sec. 16-C. Labor organization membership as condition of employment prohibited. No person shall be required to become or remain a member of any labor organization as a condition of employment or continuation of employment.

Sec. 16-D. Nonmembership in labor organization as condition of employment prohibited. No person shall be required to abstain or refrain from membership in any labor organization as a condition of employment or continuation of employment.

Sec. 16-E. Payment of dues, etc. to labor organization as condition of employment prohibited. No person shall be required to pay or give over, or refrain from paying or giving over, money or other consideration, in any form or manner whatsoever, including (without limiting the generality of the foregoing) dues, fees, service-charges or other charges of any kind, to any labor organization as a condition of employment or continuation of employment.

Sec. 16-F. Violation deemed misdemeanor. Any person who directly or indirectly places upon any other person any requirement or compulsion prohibited by sections 16-C to 16-E, who makes any agreement, written or oral, express or implied, to do so, or who engages in any lockout, layoff, strike, work stoppage, slowdown, picketing, boycott or other action or conduct, a purpose or effect of which is to impose upon any person, directly or indirectly, any requirement or compulsion prohibited by sections 16-C to 16-E, shall be guilty of a misdemeanor and shall be liable in damages to any person injured thereby.

Sec. 16-G. Penalty. Any person guilty of a misdemeanor under section 16-F shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 6 months, or by both. Each day of continued violation after conviction shall constitute a separate offense.

Sec. 16-H. Injunctive relief. Any person injured or threatened with injury by any action or conduct prohibited by sections 16-C to 16-E shall, notwithstanding any other law to the contrary, be entitled to injunctive relief therefrom.'

Sec. 2. Severability. If any clause, sentence, paragraph or part hereof, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remaining provisions hereof, or the application thereof to other persons or circumstances.

Sec. 3. Amending clause. All laws and clauses of laws inconsistent herewith are hereby repealed or amended to conform with the provisions hereof.