

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1111

S. P. 364

In Senate, March 12, 1979

Referred to the Committee on Labor. Sent down for concurrence and ordered printed.

Presented by Senator Trotzky of Penobscot.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Safeguard a Citizen's Fundamental Right to Work without Being
Compelled to Join a Union.**

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

26 MRSA c. 23 is enacted to read:

CHAPTER 23

MEMBERSHIP IN LABOR ORGANIZATIONS

§ 1701. 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:

1. **Membership or nonmembership.** Membership or nonmembership in a labor organization should not be made a condition of employment or continuation of employment;

2. **Right to join unions.** Employees should have the right to form, join, continue membership in, or assist labor organizations and, equally, employees should have the right to refrain from forming, joining, continuing membership in, or assisting labor organizations; and

3. Agreements. 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.

§ 1702. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

1. Labor organization. "Labor organization" means any group 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.

2. Person. "Person" includes a corporation, association, company, firm or labor organization, as well as a natural person.

§ 1703. 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.

§ 1704. 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.

§ 1705. 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, but not limited to, dues, fees, service charges or other charges of any kind, to any labor organization as a condition of employment or continuation of employment. Nothing in this section shall be construed to prohibit or infringe on the right of an employee to make voluntary contributions in lieu of union dues to assist in paying the costs of collective bargaining.

§ 1706. Violation deemed Class E crime

Any person who directly or indirectly places upon any other person a condition of employment or continuation of employment prohibited by this chapter, 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 condition prohibited by this chapter, shall be guilty of a Class E crime and shall be liable in damages to any person injured thereby.

§ 1707. Injunctive relief

Any person injured or threatened with injury by any action or conduct prohibited by sections 1703 to 1705 shall, notwithstanding any other law to the contrary, be entitled to injunctive relief therefrom.

STATEMENT OF FACT

The purpose of this bill is to safeguard a citizen's fundamental right to work without being compelled to join a union. Under this bill, no employee could be forced to join or support a union, nor could any employee be prevented from joining or supporting a union if he voluntarily chose to do so.