

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

**Legislative Document**

**No. 227**

H. P. 182

House of Representatives, January 12, 1981

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

EDWIN H. PERT, Clerk

Presented by Mr. Leighton of Harrison.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT to Protect the Right of Public Employees to Freely Decide Whether to Support Labor Organizations.**

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

26 MRSA c. 23 is enacted to read:

**CHAPTER 23**

**PUBLIC EMPLOYEES' FREEDOM OF CHOICE**

**§ 1801. Declaration of policy**

It is declared to be the public policy of the State that all public employees have and shall be protected in the exercise of the right, freely and without fear of penalty or reprisal, to form, join or assist labor organizations or to refrain from any such activity.

**§ 1802. Definitions**

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

1. **Employer.** "Employer" means the State and its agencies, every governmental subdivision, county, city, township, school district, special district, board, commission, instrumentality or other unit whose governing body exercises similar governmental powers.

2. Labor organization. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of work or other conditions of employment.

§ 1803. Certain conditions of employment prohibited

No employer may require any person, as a condition of employment or continuation of employment, to become or remain a member of any labor organization, or to pay any dues, fees, assessments or other sums of money of any kind to a labor organization. Also, no employer may require any person to be referred, recommended or approved by any labor organization as a condition of employment or continuation of employment.

§ 1804. Certain deductions prohibited

It is unlawful for any employer to deduct from the wages, earnings or compensation of any employee any dues, fees, assessments or other charges, to be held for or paid over to a labor organization, unless the employer has first received a written authorization for the deduction, signed by the employee, which authorization is revocable by the employee at any time by giving the employer a written notice of the revocation 30 days in advance of its effective date. Every employer who receives such an authorization from an employee shall promptly notify that employee in writing that he may revoke his authorization at any time by giving the employer 30 days' written notice.

§ 1805. Unlawful agreements, understanding or practice

Any agreement, understanding or practice, written or oral, between an employer and a labor organization, in violation of this chapter, is declared to be unlawful, void and unenforceable.

§ 1806. Notice to be posted

Every employer shall post and keep continuously displayed the following notice at such place or places in his business establishment or premises where it may be readily seen by all employees and shall furnish a copy of the notice to each employee at the time the employee is hired or is reemployed or reinstated after any period of lapse in his employment status:

"Under the law of the State, employees are protected in the exercise of their free choice to join or refrain from joining labor unions and it is unlawful for an employer and a labor union to enter into a contract or agreement requiring employees to join or remain members of a labor union, or requiring them to pay dues, fees or charges of any kind to a labor union as a condition of obtaining or keeping a job. Under the law, an employer may not discharge or otherwise discriminate against an employee because of his joining a labor union or because of his refusal to join, pay dues, fees or other charges to a labor union."

**§ 1807. Penalty**

Any person, employer, labor organization or agent or representative of an employer or labor organization, who directly or indirectly imposes upon a person any requirement prohibited by this chapter, is guilty of a Class E crime.

**§ 1808. Injunctive relief**

Any person damaged as a result of any violation or threatened violation of this chapter is entitled to injunctive relief against any and all violators or persons threatening violation and may also recover any and all damages of any character, resulting from the violation or threatened violation, cognizable at common law. These remedies are independent of and in addition to the penalties and remedies prescribed in other provisions of this chapter.

**§1809. Attorney General to investigate any complaint**

The Attorney General and the District Attorney of each district shall investigate any complaints of violation of this chapter and shall prosecute all persons violating any of its provisions and shall use all means at their command to ensure effective enforcement of this chapter.

**STATEMENT OF FACT**

The purpose of this bill is to guarantee public employees free choice in deciding whether to join or refrain from joining labor organizations.