

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1501

6
7 S.P. 485

In Senate, April 19, 1983

8 On Motion of the President, referred to the Committee on Health and
9 Institutional Services. Sent down for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Bustin of Kennebec.

Cosponsors: Senator Hayes of Penobscot, Representative Clark of
11 Millinocket and Representative Parent of Benton.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Limit Payments to Health Care
18 Institutions which Engage Persons to Defeat
19 the Organization of Collective Bargaining
20 Units.
21

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

24 22 MRSA c. 405-B is enacted to read:

25 CHAPTER 405-B

26 LIMITATION ON PAYMENTS TO HEALTH CARE INSTITUTIONS

27 §1861. Limitation on payments to health care insti-
28 tutions

29 The Legislature finds that certain health care
30 institutions have engaged persons with the intent to
31 interfere with, inhibit or disrupt the free exercise

1 of the right of all employees to organize and choose
2 representatives for the purpose of negotiating the
3 terms and conditions of their employment or other
4 mutual aid or protection as provided in Title 26,
5 section 911. The Legislature declares that it is
6 consistent with public policy to prohibit the use of
7 funds received from the State for the purpose of
8 engaging those persons.

9 §1862. Definitions

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

13 1. Health care institutions. "Health care
14 institutions" means any person, partnership, associa-
15 tion or corporation, including county or local gov-
16 ernment unit, required to obtain a license pursuant
17 to chapter 405.

18 2. Person. "Person" means any person, partner-
19 ship, association or corporation engaged or employed
20 by a health care institution.

21 3. Proportional share. "Proportional share"
22 means the revenue received from the State during the
23 previous 12 months divided by the sum of revenue
24 received from the State, 3rd party payees and
25 patients during the corresponding 12 months.

26 4. Prohibited practice. "Prohibited practice"
27 means an unfair labor practice or prohibited practice
28 as determined by:

29 A. The National Labor Relations Board pursuant
30 to United States Code, Title 29, Section 158;

31 B. The Maine Labor Relations Board pursuant to
32 Title 26, chapters 7, 9, 9-A or 9-B; or

33 C. A court of competent jurisdiction pursuant to
34 Title 26, section 911.

35 §1863. Recovery of state funds

1 sector; the Maine Labor Relations Board has jurisdic-
2 tion over employees in the public sector.

3 This bill requires that the State reduce its pay-
4 ments to health care institutions by an amount equal
5 to the proportional state share of payments a hospi-
6 tal has made to persons for services that constituted
7 or contributed to prohibited practices as determined
8 by the appropriate federal or state agency. The bill
9 also requires health care institutions to submit an
10 annual report to the department, stating amounts
11 which have been paid to any person for the purpose of
12 influencing its employees in the exercise of the
13 right to organize and choose representatives for the
14 purpose of collective bargaining.

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