

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 209

6
7 H.P. 175

House of Representatives, January 29, 1985

8 Reference to the Committee on Labor suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Willey of Hampden.

Cosponsored by Senator Twitchell of Oxford, Representative Bell of Paris and Representative Brown of Gorham.

11
12 STATE OF MAINE
13

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

17 AN ACT to Restrict the Payment of
18 Unemployment Compensation Benefits to
19 Workers Who are on Strike.
20

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

23 26 MRSA §1193, sub-§4, as amended by PL 1983, c.
24 351, §17, is further amended to read:

25 4. Labor dispute. For any week with respect to
26 which the deputy, after notification by the Director
27 of Unemployment Compensation pursuant to section
28 1194, subsection 2, finds that his total or partial
29 unemployment is due to a ~~stoppage of work which ex-~~
30 ~~ists because of~~ a labor dispute or to shut-down or
31 start-up operations caused by that labor dispute at
32 the factory, establishment or other premises at which
33 he is or was employed. This subsection shall not ap-
34 ply if it is shown to the satisfaction of the deputy
35 that:

1 A. He is not participating in or financing or
2 directly interested in the labor dispute which
3 caused the stoppage of work;

4 B. He does not belong to a grade or class of
5 workers of which, immediately before the com-
6 mencement of the stoppage labor dispute there
7 were members employed at the premises at which
8 the stoppage dispute occurs, any of whom are par-
9 ticipating in or financing or directly interested
10 in the dispute;

11 C. He has obtained employment subsequent to the
12 beginning of the stoppage of work labor dispute
13 and has earned at least 8 times his weekly bene-
14 fit amount or has been in employment by an em-
15 ployer for 5 full weeks; or

16 D. He became unemployed because of a strike or
17 lockout caused by an employer's willful failure
18 to observe the terms of the safety and health
19 section of a union contract; an employer's
20 willful failure to comply in a timely fashion
21 with an official citation for a violation of fed-
22 eral and state laws involving occupational safety
23 and health; or the quitting of labor by an em-
24 ployee or employees in good faith because of an
25 abnormally dangerous condition for work at the
26 place of employment of that employee or employ-
27 ees; provided that the strike or lockout shall
28 not extend past the time of the employer's com-
29 pliance with the safety and health section of the
30 union contract, the employer's compliance with
31 the official citation, or the finding that an ab-
32 normally dangerous condition does not exist by a
33 federal or state official empowered to issue of-
34 ficial citations for violation of federal and
35 state laws involving occupational safety and
36 health.

37 If in any case separate branches of work which are
38 commonly conducted as separate businesses in separate
39 premises are conducted in separate departments of the
40 same premises, each such department shall, for the
41 purposes of this subsection, be deemed to be a sepa-
42 rate factory, establishment or other premises;

1

STATEMENT OF FACT

2 The purpose of this bill is to ensure that strik-
3 ing workers are not entitled to receive unemployment
4 benefits. In the recent decision of Archer v Coles
5 Express, the Unemployment Compensation Commission
6 awarded benefits to employees who were on strike.
7 The basis for the decision was that since the employ-
8 er had hired replacements and had resumed normal op-
9 erations, the normal statutory disqualification did
10 not apply.

11 This decision is contrary to the longstanding
12 state policy of absolute neutrality in labor disputes
13 which prohibits the use of unemployment benefits to
14 subsidize strikes.

15 This bill eliminates the unfair requirement that
16 the employer's operations must come to and remain at
17 a halt before the normal statutory disqualification
18 applies. If the worker's unemployment is caused by a
19 labor dispute, the disqualification will apply re-
20 gardless of whether replacements have been hired. As
21 under present law, the disqualification will be tem-
22 porary and will continue only until the worker has
23 earned a sufficient amount of wages in subsequent em-
24 ployment.

25

0580121884