

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 650

H.P. 483 House of Representatives, March 5, 1987  
Reference to the Committee on Labor suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Representatives PRIEST of Brunswick, CLARK of Millinocket and Senator USHER of Cumberland.

STATE OF MAINE

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

1 AN ACT to Provide Unemployment Compensation  
2 During Employer Initiated Lockouts,  
3 Unfair Labor Practice Strikes and to  
4 Displaced Economic Strikers.  
5

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

8 26 MRSA §1193, sub-§4, as amended by PL 1985, c.  
9 737, Pt. A, §72, is further amended to read:

10 4. Economic strikes. For any week with respect  
11 to which the deputy, after notification by the Direc-  
12 tor of Unemployment Compensation under section 1194,  
13 subsection 2, finds that his total or partial unem-  
14 ployment is due to a stoppage of work which exists  
15 because of a labor dispute an economic strike at the  
16 factory, establishment or other premises at which he

1 is or was employed, or there would have been a stop-  
2 page of work had substantially normal operations not  
3 been maintained with other personnel previously and  
4 currently employed by the same employer and any other  
5 additional personnel which the employer may hire to  
6 perform tasks not previously done by the striking  
7 employees. This subsection does not apply if it is  
8 shown to the satisfaction of the deputy that:

9 A. He is not participating in or financing or  
10 directly interested in the labor dispute which  
11 caused the stoppage of work;

12 B. He does not belong to a grade or class of  
13 workers of which, immediately before the com-  
14 mencement of the stoppage there were members em-  
15 ployed at the premises at which the stoppage oc-  
16 curs, any of whom are participating in or financ-  
17 ing or directly interested in the dispute;

18 C. He has obtained employment subsequent to the  
19 beginning of the stoppage of work and has earned  
20 at least 8 times his weekly benefit amount in em-  
21 ployment by an employer or has been in employment  
22 by an employer for 5 full weeks; or

23 D. He became unemployed because of a strike or  
24 lockout caused by an employer's willful failure to  
25 observe the terms of the safety and health section of  
26 a union contract; an employer's willful failure to  
27 comply in a timely fashion with an official citation  
28 for a violation of federal and state laws involving  
29 occupational safety and health; or the quitting of  
30 labor by an employee or employees in good faith be-  
31 cause of an abnormally dangerous condition for work  
32 at the place of employment of that employee or em-  
33 ployees; provided that the strike or lockout shall  
34 not extend past the time of the employer's compliance  
35 with the safety and health section of the union con-  
36 tract, the employer's compliance with the official  
37 citation, or the finding that an abnormally dangerous  
38 condition does not exist by a federal or state offi-  
39 cial empowered to issue official citations for viola-  
40 tion of federal and state laws involving occupational  
41 safety and health.

1 If in any case separate branches of work which are  
2 commonly conducted as separate businesses in separate  
3 premises are conducted in separate departments of the  
4 same premises, each such department shall, for the  
5 purposes of this subsection, be deemed to be a separate  
6 factory, establishment or other premises;

7

#### STATEMENT OF FACT

8 Current unemployment law in the State prohibits  
9 the payment of unemployment compensation to workers  
10 unemployed due to a labor dispute regardless of  
11 whether the worker's organization stopped work, as in  
12 a strike, or whether the employer refused to permit  
13 its workers to be employed, as in a lockout.  
14 Equating an employer-called lockout to a union-called  
15 strike is irrational and unfair to the workers involved.  
16 Workers involved in a lockout are unemployed  
17 due to no fault of their own and due to their employer's  
18 choice. Under these circumstances, this bill  
19 provides that the rights for definition of strikes  
20 and lockouts and provides that workers unemployed by  
21 reason of employer lockouts shall be entitled to unemployment  
22 compensation.

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