

MAINE STATE LEGISLATURE

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(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1529

S.P. 505 In Senate, May 13, 1987
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 27.

Reference to the Committee on Transportation suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator MATTHEWS of Kennebec.

Cosponsored by Senator DUTREMBLE of York, Representative
JOSEPH of Waterville, Speaker MARTIN of Eagle Lake.

STATE OF MAINE

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

**AN ACT to Establish the Railroad Employee
Equity Act.**

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

26 MRSA c. 27 is enacted to read:

CHAPTER 27

RAILROAD EMPLOYEE EQUITY ACT

§2071. Short title

This chapter shall be known and may be cited as
the "Railroad Employee Equity Act."

1 §2072. Hiring priority

2 Effective January 1, 1987, any person, corpora-
3 tion or other entity purchasing, acquiring, leasing
4 or otherwise obtaining the right to operate a rail
5 line or abandoned rail line in this State shall give
6 a first right of hire to fill any subordinate offi-
7 cial or nonmanagement position in the staffing of the
8 new rail operation in the following order of priori-
9 ty:

10 1. Priority under federal law. First, all em-
11 ployees who are required to be accorded priority un-
12 der federal law, employee protection obligations im-
13 posed by law, regulation or contracts which require
14 the new operator to select employees of the prior op-
15 erator or collective bargaining agreements;

16 2. Seniority rights. Second, all employees, in
17 seniority order for each craft of class, who hold or
18 held seniority rights on the line to be operated when
19 last operated by its prior operator;

20 3. Railroad unemployment. Third, employees
21 drawing benefits under the United States Railroad Un-
22 employment Insurance Act, United States Code, Title
23 45, Section 367 et seq., in the area in which the
24 line to be operated is located, and then within the
25 State; and

26 4. Others. Fourth, any other individual.

27 §2073. Qualifications; presumption

28 Any person who is performing work on a rail line
29 which is being sold or otherwise transferred to a new
30 operator within this State who is entitled to priori-
31 ty of employment under section 2072 shall be conclu-
32 sively presumed to be physically and mentally quali-
33 fied to perform the same or comparable work with the
34 new employer.

35 §2074. Deprivation of right; cause of action

36 Any person who is given a first right of hire by
37 section 2072, who is deprived of that right by the
38 action or inaction of the new operator of the rail

1 line, shall have a cause of action against the new
2 operator to enforce the right of hire guarantee by
3 this Act, and may bring such an action in the Superi-
4 or Court seeking an order for damages and requiring
5 that the complainant be hired. Any person whose
6 rights under this Act are found to have been violated
7 by the new operator shall receive as damages an award
8 of back pay from the date the person should have been
9 hired until the date actually hired or until the
10 claimant declines a bona fide offer of employment,
11 plus attorneys fees and all other reasonable costs of
12 litigation. If it is shown that the new operator
13 willfully failed to comply with section 2072, in
14 whole or in part, for a reason which is contrary to
15 state or federal law, the complainant shall receive
16 an award of treble damages without any reduction for
17 outside earnings or unemployment benefits.

18 §2075. New career training assistance

19 1. Definitions. As used in this section, unless
20 the context otherwise indicates, the following terms
21 have the following meanings.

22 A. "Expenses" means actual expenses paid for
23 room, board, tuition fees or educational materi-
24 al.

25 B. "Qualified institution" means any educational
26 institution accredited for payment by the Veter-
27 ans' Administration under the United States Code,
28 Title 38, Chapter 36, or state-accredited insti-
29 tution which has been in existence for not less
30 than 2 years.

31 2. Entitlement. Any employee qualifying under
32 section 2072, subsection 2, who applies for, but is
33 unable to secure, a subordinate official or
34 nonmanagement position in the staffing of the new
35 rail operation, shall be entitled to receive, from
36 the new carrier, expenses for training in qualified
37 institutions for new career opportunities.

38 3. Training to begin within 2 years. To be en-
39 titled for assistance under this Act, an employee
40 must begin his course of training within 2 years fol-
41 lowing his separation from railroad employment as a

1 result of acquisition of a railroad described in sec-
2 tion 2072.

3 4. Benefit amounts. Affected employees shall be
4 entitled to the following benefits for retraining ac-
5 ording to their years of service on the affected
6 railroad:

7 A. 0 - 5 years of service.....up to \$3,000;

8 B. 5 - 10 years of service.....up to \$6,000;

9 C. 10 - 15 years of service.....up to \$9,000;

10 D. 15 - 20 years of service...up to \$12,000; and

11 E. 20 years of service and over...up to \$15,000.

12 STATEMENT OF FACT

13 The purpose of this bill is to establish the
14 Railroad Employee Equity Act. Under that Act, a
15 schedule of hiring priorities for railroad employees
16 and a cause of action for deprivation of rights under
17 the Act are created. This bill also establishes a
18 new career training assistance program for qualifying
19 unemployed railroad personnel.

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