

# MAINE STATE LEGISLATURE

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S. of S.

1

L.D. 1902

2

(Filing No. S- 298 )

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STATE OF MAINE

4

SENATE

5

113TH LEGISLATURE

6

FIRST SPECIAL SESSION

7

COMMITTEE AMENDMENT "A " to S.P. 671, L.D.  
1902, Bill, "AN ACT to Reduce the Potential for Violence during Labor Disputes."

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10 Amend the bill by striking out everything after  
11 the enacting clause and before the emergency clause  
12 and inserting in its place the following:

13

'Sec. 1. 26 MRSa §595 is enacted to read:

14

§595. Hiring of workers during a labor dispute

15

1. Legislative findings. The Legislature finds  
16 that:

17

A. The practice of receiving applicants for employment, conducting interviews of job applicants or performing medical examinations of job applicants at the worksite of an employer who is currently engaged in a labor dispute with his employees tends to incite violence by bringing individuals who may be considered as replacements for workers to the physical focus of the labor dispute and by encouraging a direct confrontation between these individuals and the prior employees; and

27

28

B. The presence of persons carrying dangerous weapons near sites where applications for positions with an employer involved in a labor dispute are being accepted or where interviews of those job applicants are being conducted or medical examinations of those applicants are being performed creates an unacceptable risk of violence; and

35

36

C. The public safety requires the regulation of

COMMITTEE AMENDMENT "A " to S.P. 671, L.D. 1902

1           these practices to reduce the likelihood of vio-  
2           lence.

3           2. Purpose. The purpose of this section is to  
4           reduce the potential for violence during labor dis-  
5           putes by prohibiting certain provocative acts and im-  
6           posing penalties for failure to obey this section.

7           3. Receiving job applicants at worksite prohib-  
8           ited. No employer may perform any of the following  
9           acts at any of that employer's plants, facilities,  
10           places of business or worksites where a labor dis-  
11           pute, strike or lockout involving the employees of  
12           that employer is in progress:

13           A. Receiving persons for the purpose of solicit-  
14           ing or receiving applications for employment with  
15           the employer;

16           B. Conducting or having conducted interviews of  
17           applicants for employment with the employer; or

18           C. Performing or having performed medical exami-  
19           nations of applicants for employment with the em-  
20           ployer.

21           Any employer who violates this subsection is subject  
22           to a civil penalty not to exceed \$10,000 for each day  
23           the violation continues, payable to the State, to be  
24           recovered in a civil action. Upon request, any court  
25           of competent jurisdiction shall also enjoin the vio-  
26           lation under section 5.

27           The Attorney General, the Commissioner of Labor or  
28           any employee, employees or bargaining agent of em-  
29           ployees involved in the labor dispute may file a civil  
30           action to enforce this subsection.

31           4. Hiring off-site permitted. An employer in-  
32           volved in a labor dispute, strike or lockout may per-  
33           form hiring activities prohibited under subsection 3  
34           at any site other than his customary plants, facili-

H. of S.

COMMITTEE AMENDMENT " A " to S.P. 671, L.D. 1902

1 ties, places of business or worksites where a labor  
2 dispute, strike or lockout involving the employees of  
3 that employer is in progress.

4 A. The employer must notify the law enforcement  
5 agencies of the county and municipality in which  
6 these activities will be conducted at least 10  
7 days before commencing hiring activities.

8 B. No employee of the employer conducting hiring  
9 activities under this subsection and who is in-  
10 olved in the labor dispute, strike or lockout  
11 may picket, congregate or in any way protest the  
12 hiring activity of the employer within 200 feet  
13 of the building or structure at which such activ-  
14 ities are taking place. Violation of this para-  
15 graph is a Class E crime.

16 5. Dangerous weapons prohibited. It is a Class  
17 D crime for any person, including, but not limited  
18 to, security guards and persons involved in a labor  
19 dispute, strike or lockout, to be armed with a dan-  
20 gerous weapon, as defined in Title 17-A, section 2,  
21 subsection 9, at a site where applications for em-  
22 ployment with an employer involved in a labor dis-  
23 pute, strike or lockout are being received or where  
24 interviews of those job applicants are being con-  
25 ducted or where medical examinations of those job ap-  
26 plicants are being performed.

27 A. A person holding a valid permit to carry a  
28 concealed firearm is not exempt from this subsec-  
29 tion.

30 B. A security guard is exempt from this subsec-  
31 tion to the extent that federal laws or rules re-  
32 quired the security guard to be armed with a dan-  
33 gerous weapon at such a site.

34 C. A public law enforcement officer is exempt  
35 from this subsection while on active duty in the  
36 public service.

¶ of S.

COMMITTEE AMENDMENT "A" to S.P. 671, L.D. 1902

1 D. A security guard employed by an employer in-  
2 involved in a labor dispute, strike or lockout may  
3 be present at the location where applications for  
4 employment with the employer will be accepted,  
5 interviews of those applicants conducted or medi-  
6 cal examinations of those applicants performed to  
7 the extent permitted under Title 32, chapter 93.  
8 Nothing in this section may be construed to ex-  
9 tend or limit in any way the restrictions placed  
10 upon the location of private security guards un-  
11 der Title 32, chapter 93.

12 **Sec. 2. 30 MRSA §953, as repealed and replaced**  
13 **by PL 1977, c. 431, §8, is amended by adding at the**  
14 **end a new paragraph to read:**

15 No deputy or special deputy may wear or display a  
16 uniform or badge that identifies him as a public law  
17 enforcement officer at the site of a labor dispute,  
18 strike or lockout except while on active duty in the  
19 public service and while traveling to and from public  
20 work.

21 **Sec. 3. 30 MRSA §2367 is enacted to read:**

22 §2367. Wearing of uniforms or badges

23 No municipal police officer, special police offi-  
24 cer, constable or other municipal law enforcement of-  
25 ficer may wear or display a uniform or badge that  
26 identifies him as a public law enforcement officer at  
27 the site of a labor dispute, strike or lockout except  
28 while on active duty in the public service and while  
29 traveling to and from public work.'

30 STATEMENT OF FACT

31 This amendment makes several changes to the origi-  
32 nal bill, including the following.

R. of S.

COMMITTEE AMENDMENT " A " to S.P. 671, L.D. 1902

1           1. The amendment requires an employer to give at  
2           least 10-days' prior notice of hiring off-site to the  
3           county and municipal law enforcement agencies of the  
4           locality in which hiring will occur. This is in-  
5           tended to provide adequate time for local law en-  
6           forcement agencies to make any necessary preparations  
7           to protect against potential violence at the hiring  
8           site.

9           2. The amendment prohibits any picketing or pro-  
10          testing within 200 feet of the off-site hiring by em-  
11          ployees involved in the labor dispute. This is in-  
12          tended to reduce the potential for face-to-face con-  
13          frontations between job applicants and employees in-  
14          volved in the labor dispute while protecting the em-  
15          ployees' constitutional rights of free speech.

16          3. The amendment clarifies that it is intended  
17          to have no affect upon existing law governing the lo-  
18          cation of private security guards hired by an employ-  
19          er involved in a labor dispute.

20          4. The amendment prohibits local law enforcement  
21          officers from wearing their official uniforms or  
22          badges while off-duty only in the area of the labor  
23          dispute. The original bill prevented these off-duty  
24          activities at any location.

25          5. Finally, the amendment makes several clarifi-  
26          cations and corrects typographical errors in the  
27          original bill.

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Reported for the Majority for the Committee on Labor.  
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