

# MAINE STATE LEGISLATURE

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1 Whereas, although existing law prohibits hiring of  
2 persons who engage in strikebreaking activity, it does  
3 not extend to corporations or other entities, the  
4 business of which is to perform or offer persons to  
5 perform such strikebreaking activities; and

6 Whereas, in the judgment of the Legislature, these  
7 facts create an emergency within the meaning of the  
8 Constitution of Maine and require the following  
9 legislation as immediately necessary for the  
10 preservation of the public peace, health and safety;  
11 now, therefore,

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

14 Sec. 1. 26 MRS A §852-A is enacted to read:

15 §852-A. Contracts with strikebreaking entities  
16 prohibited

17 No person, partnership, union, agency, firm or  
18 corporation or officer, employee or agent thereof  
19 involved in a strike, lockout or labor dispute may  
20 contract or otherwise arrange with any other  
21 partnership, union, agency, firm or corporation or  
22 officer, employee or agency thereof to employ or  
23 retain an employee of that entity to perform the  
24 duties normally assigned to employees involved in a  
25 strike, lockout or labor dispute if the entity's  
26 primary business activity in this State on the date  
27 into which the contract or arrangement was entered is  
28 the offering of persons to perform those duties  
29 normally assigned to those employees.

30 Sec. 2. 26 MRS A §857 is enacted to read:

31 §857. Exemptions

32 This subchapter does not apply to the employment  
33 of:

34 1. Security guards. Security guards during a

1 labor dispute if the security guards perform security  
2 guard duties only;

3 2. Special maintenance workers. Special  
4 maintenance workers employed by the seller or  
5 manufacturer of the equipment maintained or persons  
6 who have performed the maintenance work on the  
7 equipment prior to the beginning of the labor dispute,  
8 strike or lockout; and

9 3. Permanent employees. Permanent employees  
10 involved in the labor dispute regardless of their  
11 usual occupation or duty station.

12 **Emergency clause.** In view of the emergency  
13 cited in the preamble, this Act shall take effect when  
14 approved.

15 STATEMENT OF FACT

16 This bill extends the current prohibition against  
17 hiring individuals who engage in strikebreaking  
18 activities to business entities which, as their  
19 primary business activity in this State, also engage  
20 in such activities. The prohibition does not apply,  
21 however, to hiring of security guards, certain  
22 maintenance people or permanent employees of the  
23 employer involved in the strike, lockout or labor  
24 dispute.

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