

# MAINE STATE LEGISLATURE

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(Emergency)  
(After Deadline)  
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2255

S.P. 866 In Senate, February 11, 1988  
Approved for Introduction by a Majority of the Legislative  
Council pursuant to Joint Rule 27.  
Referred to the Committee on Labor and ordered printed,  
Sent down forthwith for concurrence. In House, February 11,  
1988, referred to the Committee on Labor and ordered printed,  
in concurrence.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator DUTREMBLE of York.

Cosponsored by Representative MCHENRY of Madawaska,  
Representative TAMMARO of Baileyville, Senator ERWIN of Oxford.

STATE OF MAINE

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

1 AN ACT to Promote the Prompt and Peaceful  
2 Settlement of Labor Disputes.  
3

4 **Emergency preamble.** Whereas, Acts of the  
5 Legislature do not become effective until 90 days  
6 after adjournment unless enacted as emergencies; and

7 Whereas, many Maine workers have been displaced  
8 through the hiring of professional strikebreakers; and

1       Whereas, the practice of hiring professional  
2       strikebreakers provokes the displaced workers, creates  
3       an atmosphere of tension in the areas affected by the  
4       labor dispute and can encourage violence in connection  
5       with a labor dispute; and

6       Whereas, this Act is urgently needed to promote  
7       the prompt and peaceful settlement of these labor  
8       disputes; and

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

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

17       Sec. 1. 26 MRSA §851-A is enacted to read:

18       §851-A. Definitions

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

22       1. Professional strikebreaker. "Professional  
23       strikebreaker" means any person or entity which  
24       customarily and repeatedly in the normal course of  
25       business offers himself or others for employment to  
26       perform the duties normally assigned to employees  
27       involved in a labor dispute, strike or lockout and  
28       which duties would not be performed by the person or  
29       entity but for the existence of the labor dispute,  
30       strike or lockout.

31       Sec. 2. 26 MRSA §§852 and 853, as enacted by PL  
32       1965, c. 189, are repealed and the following enacted  
33       in their place:

34       §852. Recruitment of professional strikebreakers  
35       prohibited

1        A person, partnership, union, agency, firm or  
2 corporation, or any officer, employee or agent of such  
3 an entity, shall not recruit, procure, supply or refer  
4 any professional strikebreaker for employment.

5        §853. Employment of professional strikebreakers  
6 prohibited

7        A person, partnership, union, firm or corporation  
8 involved in a labor dispute, strike or lockout shall  
9 not, directly or indirectly, employ or retain any  
10 professional strikebreaker or contract for or arrange  
11 with any professional strikebreaker to employ the  
12 services of those persons.

13        Sec. 3. 26 MRSA §855-A is enacted to read:

14        §855-A. Civil action; injunctive or other relief

15        Any person, corporation or labor organization may  
16 bring a civil action for injunctive or other relief to  
17 enforce this subchapter. Actions brought under this  
18 section are not subject to chapter 1, sections 5 to 7.

19        Sec. 4. 26 MRSA §856, as enacted by PL 1965, c.  
20 189, is repealed.

21        Sec. 5. 26 MRSA §857 is enacted to read:

22        §857. Exemptions

23        This subchapter does not apply to the employment  
24 of:

25        1. Security guards. Security guards during a  
26 labor dispute if the security guards perform security  
27 guard duties only;

28        2. Special maintenance work. Special maintenance  
29 work performed by persons employed by the seller or  
30 manufacturer of the equipment maintained or by persons  
31 who have performed the maintenance work on the  
32 equipment prior to the beginning of the labor dispute,  
33 strike or lockout; and

