

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 404

H.P. 292

House of Representatives, February 23, 1989

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

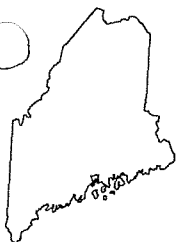
Presented by Representative McHENRY of Madawaska.

Cosponsored by President PRAY of Penobscot, Speaker MARTIN of Eagle Lake and Senator ESTES of York.

STATE OF MAINE

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

An Act to Reduce the Potential for Violence During Labor Disputes.



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

3 Sec. 1. 26 MRSA §852-A is enacted to read:

5 §852-A. Professional strikebreaking prohibited

7 1. Definitions. As used in this section, unless the
8 context otherwise indicates, the following terms have the
9 following meanings.

11 A. "Strikebreaking activity" means the offering or
12 supplying of persons to perform the tasks normally assigned
13 to employees involved in a labor dispute, strike or lockout.

15 2. Professional strikebreaking activity prohibited. No
16 person, partnership, union, agency, firm, corporation or other
17 legal entity may perform strikebreaking activities if that entity
18 has contracted, on at least 3 occasions within the previous 5
19 years, to supply 100 or more employees to an employer involved in
20 a labor dispute to perform tasks normally assigned to employees
21 involved in the labor dispute.

23 Sec. 2. 26 MRSA §855-A is enacted to read:

25 §855-A. Civil action; injunctive or other relief

27 Any person, corporation or labor organization with judicial
28 standing may bring a civil action for injunctive or other relief
29 to enforce this subchapter.

31 Sec. 3. 26 MRSA §856, as enacted by PL 1965, c. 189, is
32 repealed.

34 Sec. 4. 26 MRSA §857 is enacted to read:

35 §857. Exemptions

37 This subchapter does not apply to the employment of:

39 1. Security guards. Security guards during a labor dispute
40 if the security guards perform security guard duties only;

41 2. Special maintenance workers. Special maintenance
42 workers employed by the seller or manufacturer of the equipment
43 maintained or persons who have performed the maintenance work on
44 the equipment prior to the beginning of the labor dispute, strike
45 or lockout; and

46 3. Permanent employees. Permanent employees involved in the
47 labor dispute regardless of their usual occupation or duty
48 station.

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1 a substantially different manner than a gradual replacement on a
3 more modest scale. The mass replacement of striking workers
5 encourages strike-related violence on a large scale, potentially
7 beyond the limited resources of local law enforcement officers.
9 Such mass replacements can also result in a large number of
11 untrained replacement workers, whose employment is made possible
13 by the rapid resumption of business due to the availability of
15 skilled replacement workers from a professional strikebreaker, or
replacements who are unfamiliar with the specific worksite,
machinery or potentially hazardous substances with which they are
working, which may pose a substantial risk of harm to other
workers and the general public. This bill prohibits firms that
have established a history of engaging in such hazardous
practices from supplying replacement workers to employers
involved in a labor dispute.