

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 715

H.P. 530

House of Representatives, March 8, 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 ESTY of Cumberland.

STATE OF MAINE

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

Resolve, to Establish the Commission to Study the Use of Professional
Strikebreakers.

(EMERGENCY)



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

5 **Whereas,** the use of professional strikebreakers to replace
striking employees in the State has created an atmosphere of
7 tension and resentment within the State and raised charges that
it provides employers with an unfair advantage in contract
9 negotiations; and

11 **Whereas,** the need for legislation on this subject and the
ability of the State to enact this legislation in the face of
13 potential federal preemption has been a subject of heated debate
with no clear resolution of these complex issues; and

15 **Whereas,** the use of professional strikebreakers potentially
17 affects, directly or indirectly, a large portion of the State's
populace and requires a prompt, impartial and complete
19 investigation and resolution of the issue; and

21 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
23 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
25 safety; now, therefore, be it

27 **Commission created and charged. Resolved:** That the Commission
to Study the Use of Professional Strikebreakers is established.
29 The commission shall study the use of professional strikebreakers
in labor disputes and evaluate its impact upon collective
31 bargaining between employees and their employer. If the
commission finds that the use of professional strikebreakers
33 upsets the balance of bargaining power between employees and
employers and contributes to the potential for violence during a
35 labor dispute, the commission shall investigate and recommend
ways in which the potential for violence may be reduced by
37 achieving a proper balance of bargaining power within the
constraints of federal preemption under the National Labor
39 Relations Act or other federal laws; and be it further

41 **Appointment. Resolved:** That the commission shall consist of
6 members appointed as follows:

43 1. One representative of the executive branch appointed by
45 the Governor;

47 2. One representative of organized labor appointed by the
Governor;

49 3. One representative of employers appointed by the
51 Governor;

- 1 4. One Senator appointed by the President of the Senate;
- 3 5. One member of the House of Representatives appointed by
- 5 the Speaker of the House; and
- 7 6. One retired judge or justice appointed by the Chief
- Justice of the Supreme Judicial Court.

9 Appointments shall be made within 30 days of the effective date
 11 of this resolve; and be it further

13 **Convening of commission. Resolved:** That when the appointment
 15 of all commission members is completed, the commission shall be
 17 called together by the retired judge or justice, who shall serve
 19 as chair of the commission. No action may be taken without a
 quorum of 4 members being present. The commission shall
 thereafter meet at the call of the chair as necessary to complete
 its work; and be it further

21 **Report. Resolved:** That the commission shall present its
 23 findings, together with any recommended legislation, to the
 Second Regular Session of the 114th Legislature by January 1,
 1990; and be it further

25 **Assistance. Resolved:** That if staff assistance is desired,
 27 assistance shall be requested from the Legislative Council; and
 be it further

29 **Compensation. Resolved:** That the members of the commission
 31 who are Legislators shall receive the legislative per diem, as
 33 defined in the Maine Revised Statutes, Title 3, section 2, for
 35 each day's attendance at commission meetings. All members of the
 commission shall receive reimbursement for expenses upon
 application to the Executive Director of the Legislative Council;
 and be it further

37 **Appropriation. Resolved:** That the following funds are
 39 appropriated from the General Fund to carry out the purposes of
 this resolve.

41 1989-90
 43 **LEGISLATURE**

45 **Commission to Study the Use
 of Professional Strikebreakers**

47	Personal Services	\$ 660
	All Other	4,400

49 Provides funds for the per

1 diem of legislative members,
3 travel and related expenses of
the commission.

5 **LEGISLATURE**
7 **TOTAL**

\$5,060

9 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve shall take effect when approved.

11

STATEMENT OF FACT

13

15 This resolve creates the Commission to Study the Use of
Professional Strikebreakers which may suggest any necessary
17 legislation. The commission is composed of 6 members. Three
members are appointed by the Governor: one representing the
19 executive branch; one representing organized labor; and one
representing employers. The President of the Senate and the
21 Speaker of the House appoint one Legislator each and the Chief
Justice of the Supreme Judicial Court appoints one retired judge
23 or justice. The commission is required to report to the Second
Regular Session of the 114th Legislature by January 1, 1990.