



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 753

H.P. 555

House of Representatives, March 14, 1989

Reference to the Committee on Labor suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake. Cosponsored by Representative PINEAU of Jay, Representative ERWIN of Rumford and President PRAY of Penobscot.

STATE OF MAINE

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

An Act to Promote the Prompt and Peaceful Settlement of Labor Disputes.

(EMERGENCY)

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

Whereas, the employment of professional strikebreakers endangers the order and public peace of the State and the sense of harmony in the State's communities and creates an atmosphere of tension, particularly in areas affected by labor disputes; and

9 Whereas, the mass replacement of striking workers by 11 professional strikebreaking firms may provoke striking workers and encourage strike-related violence on a large scale, 13 potentially beyond the control of the limited resources of local law enforcement agencies; and

Whereas, this legislation is urgently needed to clarify and improve existing law and to promote the peace and good order of the State; and

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

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

27

25

5

7

15

19

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

29 31

35

37

39

<u>§852-A. Professional strikebreaking prohibited</u>

Definitions. As used in this section, unless the
 33 context otherwise indicates, the following terms have the
 following meanings.

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

÷

 2. Professional strikebreaking activity prohibited. No
 41 person, partnership, union, agency, firm, corporation or other legal entity may perform strikebreaking activities if that entity
 43 has contracted on at least 3 occasions within the previous 5 years to supply 100 or more employees to an employer involved in
 45 a labor dispute to perform tasks normally assigned to employees involved in the labor dispute.
 47

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

<u>§855-A. Civil action; injunctive or other relief</u>

51

49

1	Any person, corporation or labor organization with judicial
3	standing may bring a civil action for injunctive or other relief
3	to enforce this subchapter.
5	Sec. 3. 26 MRSA §856, as enacted by PL 1965, c. 189, is repealed.
7	Sec. 4. 26 MRSA §857 is enacted to read:
9	<u>\$857. Exemptions</u>
11	This subchapter does not apply to the employment of:
13	1. Security guards. Security guards during a labor dispute
15	if the security guards perform security guard duties only;
17	2. Special maintenance workers. Special maintenance workers employed by the seller or manufacturer of the equipment
19	maintained or persons who have performed the maintenance work on the equipment prior to the beginning of the labor dispute, strike
21	or lockout; and
23	3. Permanent employees. Permanent employees involved in the labor dispute regardless of their usual occupation or duty
25	station.
27	Sec. 5. Application. This Act shall apply only to the prohibited activity which occurs on or after the effective date
29	of this Act.
31	Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.
33	
35	STATEMENT OF FACT
37	This bill prohibits the recruitment or employment of professional strikebreakers and precisely defines the term
39	"professional strikebreaking activity" so that the bill applies only to those persons or organizations that have made a practice
41	of supplying replacement workers during labor disputes.
43	The prohibition may be enforced through a civil action filed by any interested party. The employment of replacement workers
45	as security guards or as maintenance workers is exempt from the prohibition, as is the employment of permanent employees of the
47	employer who choose to work during the strike.

n,

(

¢i

 \sim