

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1756

H.P. 1259

House of Representatives, June 16, 1989

Reported by Representative RUHLIN from the Committee on Labor and printed under Joint Rule 2.

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

EDWIN H. PERT, Clerk

Original bill sponsored by Representative RUHLIN of Brewer.

STATE OF MAINE

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

An Act to Ensure a Cooling-off Period before the Hiring of Permanent Replacement Workers during a Labor Dispute.

(NEW DRAFT OF H.P. 663, L.D. 905)

(NEW TITLE)



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

3 26 MRSA c. 7, sub-c. VII-A is enacted to read:

5 SUBCHAPTER VII-A

7 HIRING OF REPLACEMENT WORKERS DURING A LABOR DISPUTE

9 §857. Delay in hiring of permanent replacement workers

11 1. Hiring of permanent replacement workers delayed. If the
13 employees of an employer agree to and comply with the conditions
15 of subsection 2, the employer may not hire any person as a
17 permanent employee to perform the tasks normally done by a
19 striking employee until the 45th day after the strike commences.
The employer may hire temporary replacement workers or use other
employees who were employed by that employer before the
commencement of the strike to perform the tasks normally done by
striking employees.

21 2. Application; conditions. Subsection 1 does not apply to
23 any employer unless the employees of that employer agree, by a
recorded majority vote, to comply with the following conditions.

25 A. The employees must conduct a recorded vote authorizing
27 the strike before the strike commences.

29 B. The employees must conduct a subsequent recorded vote
31 between the 40th and 45th day after the strike commences to
accept or reject the employer's current contract offer at
that time.

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STATEMENT OF FACT

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This new draft completely replaces the original bill. The new draft provides a 45-day "cooling-off" period after the commencement of a strike before an employer may hire permanent replacements for striking workers. This restriction does not apply unless the striking employees agree to conduct a strike vote before going out on strike and to conduct a subsequent vote to accept or reject the employer's final offer before the employer is permitted to hire permanent replacement workers. The employer is permitted to hire temporary replacements during this 45-day period and may use employees who were employed by that employer before the strike began to continue operation of the employer's business during this time.

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The hiring of permanent replacement workers is a drastic step and should be the final option exercised by an employer to resolve a labor dispute. This new draft is intended to provide a period of time in which the parties to a labor dispute continue to negotiate and attempt to resolve their differences peacefully before permanent replacements are hired. This period reduces the likelihood of strike-related violence caused by resentment created when an employer quickly moves to permanently replace striking workers.