

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 199

H.P. 139

House of Representatives, January 30, 1991

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.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

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

(EMERGENCY)



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

Whereas, the past use of professional strikebreakers to
replace striking employees in the State created an atmosphere of
tension and resentment within the State and raised complex issues
which need to be studied by the Legislature; and

Whereas, the study proposed by this resolve must be
completed in time for a report to be submitted to the Second
Regular Session of the 115th Legislature and therefore it is
essential that this study be initiated as soon as possible; 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

Sec. 1. Commission established. Resolved: That the Commission
to Study the Use of Professional Strikebreakers is established;
and be it further

Sec. 2. Commission membership. Resolved: That the commission
consists of the following 7 members:

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

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

3. One representative of employers appointed by the
Governor;

4. Three members of the Legislature appointed jointly by
the President of the Senate and the Speaker of the House of
Representatives; and

5. One retired judge or justice appointed by the Chief
Justice of the Supreme Judicial Court; and be it further

Sec. 3. Appointments; meeting. Resolved: That all appointments
must be made no later than 30 days following the effective date
of this resolve. The President of the Senate and the Speaker of
the House of Representatives jointly shall appoint the chair of
the commission from among its members. When the appointment of
all of the members of the commission is completed, the chair of
the commission shall call the first meeting not later than August
15, 1991; and be it further

2 **Sec. 4. Duties. Resolved:** That the commission shall study the
3 use of professional strikebreakers in labor disputes and evaluate
4 its impact upon collective bargaining between employees and their
5 employers. If the commission finds that the use of professional
6 strikebreakers upsets the balance of bargaining power between
7 employees and employers and contributes to the potential for
8 violence during labor disputes, the commission shall investigate
9 and recommend ways in which the potential for violence may be
10 reduced by achieving a proper balance of bargaining power within
11 the constraints of federal preemption under the National Labor
12 Relations Act or other federal laws; and be it further

14 **Sec. 5. Report. Resolved:** That the commission shall submit
15 its report, together with any necessary implementing legislation,
16 to the Second Regular Session of the 115th Legislature and to the
17 Office of the Executive Director of the Legislative Council by
18 November 1, 1991; and be it further

20 **Sec. 6. Staff assistance. Resolved:** That the commission may
21 contract with a consultant to provide professional services in
22 carrying out its duties. The consultant shall provide clerical
23 assistance to the commission and prepare any legislation
24 recommended by the commission. The chair of the commission shall
25 manage the consultant's work; and be it further

26 **Sec. 7. Reimbursement. Resolved:** That the members of the
27 commission who are Legislators are entitled to the legislative
28 per diem, as defined in the Maine Revised Statutes, Title 3,
29 section 2, for days of attendance at commission meetings. All
30 members of the commission who are not state employees are
31 entitled to receive expenses, as defined in the Maine Revised
32 Statutes, Title 5, section 12002, upon application to the
33 Executive Director of the Legislative Council for those expenses;
34 and be it further

36 **Sec. 8. Appropriation. Resolved:** That the following funds are
37 appropriated from the General Fund to carry out the purposes of
38 this resolve.

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

48

Personal Services

\$990

All Other

4,700

50

2 Provides funds for the per diem of
legislative members, travel and related
expenses of the commission.

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TOTAL

\$5,690

8 Emergency clause. In view of the emergency cited in the
preamble, this resolve takes effect when approved.

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STATEMENT OF FACT

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16 This resolve establishes the Commission to Study the Use of
Professional Strikebreakers. The commission will study the use
of professional strikebreakers in labor disputes and evaluate its
18 impact upon collective bargaining between employees and their
employers.