MAINE STATE LEGISLATURE

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115th WAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 875

H.P. 615

House of Representatives, February 27, 1991

Reference to the Committee on Labor suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative LUTHER of Mexico.

Cosponsored by Representative PINEAU of Jay, Senator BUSTIN of Kennebec, Senator MILLS of Oxford, Representative CLARK of Millinocket and Representative McHENRY of Madawaska.

STATE OF MAINE

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

An Act to Prevent Striking Workers from Being Permanently Replaced by Strikebreakers.



	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 26 MRSA §§852-A and 855-A are enacted to read:
4	The second secon
	§852-A. Professional strikebreaking prohibited
6	
	1. Definitions. As used in this section, unless the
8	context otherwise indicates, the following terms have the
10	following meanings.
10	A. "Strikebreaking activity" means the offering or
12	supplying of persons to perform the tasks normally assigned
12	to employees involved in a labor dispute, strike or lockout.
14	
— 	2. Professional strikebreaking activity prohibited. A
16	person, partnership, union, agency, firm, corporation or other
	legal entity may not perform strikebreaking activities if that
18	entity has contracted, on at least 3 occasions within the
n a salsa eza ili.	previous 5 years, to supply 100 or more employees to an employer
20	involved in a labor dispute to perform tasks normally assigned to
	employees involved in the labor dispute.
22	n de la composition de 1444 per la final de la composition de la composition de la composition de la compositi La composition de la
	§855-A. Civil action; injunctive or other relief
24	
	Any person, corporation or labor organization with judicial
26	standing may bring a civil action for injunctive or other relief
2.0	to enforce this subchapter.
28	Sec. 2. 26 MRSA §856, as enacted by PL 1965, c. 189, is
30	repealed.
17.45	
32	Sec. 3. 26 MRSA §857 is enacted to read:
34	§857. Exemptions
36	This subchapter does not apply to the employment of:
38	1. Security guards. Security guards during a labor dispute
	if the security guards perform only security guard duties;
40	
	2. Special maintenance workers. Special maintenance
42	workers employed by the seller or manufacturer of the equipment
	maintained or persons who have performed the maintenance work on
44	the equipment prior to the beginning of the labor dispute, strike
4.6	or lockout; and the second of
46	
48	3. Permanent employees. Permanent employees involved in the labor dispute regardless of their usual occupation or duty
	station.
50	

Sec. 4. Statutory referendum procedure; submission at statewide election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at a statewide election to be held on the Tuesday following the first Monday of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Shall the State prohibit an individual or corporation from supplying replacement workers during a labor dispute if that individual or corporation has, on at least 3 separate occasions in the previous 5 years, supplied 100 or more employees to replace workers involved in labor disputes?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

STATEMENT OF FACT

This bill prohibits professional strikebreaking activity. The bill defines a professional strikebreaker as any corporation or other legal entity that has, on at least 3 occasions in the previous 5 years, contracted to supply 100 or more employees to an employer to take the place of workers involved in a labor dispute. This definition ensures that firms that may on occasion supply temporary help to employers involved in a labor dispute will not be included under the bill's prohibition of strikebreaking activity.

The bill focuses on those firms that engage in a pattern of supplying replacement workers on a large scale. The mass replacement of striking workers can encourage strike-related violence potentially beyond the limited resources of local law enforcement officers. Such mass replacements may also result in

a large number of untrained replacement workers, 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.

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