

# MAINE STATE LEGISLATURE

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MAJORITY  
LABOR

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 756, L.D. 1046, Bill, "An Act to Prohibit the Employment of Professional Strikebreakers"

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Amend the bill in section 1 in that part designated "~~§852-A.~~" in subsection 2 in the 4th line (page 1, line 19 in L.D.) by striking the following: "3" and inserting in its place the following: '2'

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Further amend the bill in section 1 in that part designated "~~§852-A.~~" in subsection 2 in the 5th line (page 1, line 20 in L.D.) by striking the following: "5 years to supply 100" and inserting in its place the following: '20 years to supply 10'

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Further amend the bill in section 3 in that part designated "~~§856-A.~~" by striking out all of the indented paragraph (page 1, lines 31 to 33 in L.D.) and inserting in its place the following:

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'A person, municipality, corporation or labor organization involved in the labor dispute may bring a civil action for injunctive and other relief to enforce this subchapter. Such other relief may include, but is not limited to, attorney's fees for the prevailing plaintiff and an order to pay the prevailing party a penalty equal to twice the wages, fringe benefits and other benefits paid or provided to professional strikebreakers in violation of this subchapter.'

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Further amend the bill in section 4 in that part designated "~~§857.~~" by adding at the end after subsection 3 the following:

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'This subchapter does not apply if the employer, strikebreaker or other entity providing strikebreakers proves by clear and convincing evidence that, without professional

2 strikebreakers, the operations of the facility are substantially  
3 and materially adversely affected on a continuing basis.'

4 Further amend the bill by inserting at the end before the  
5 summary the following:

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**FISCAL NOTE**

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This bill may reduce prosecutions for Class E crimes. If  
11 the number of jail sentences is reduced, the savings to the  
12 counties are estimated to be \$82.48 per day per prisoner. The  
13 amount of any reduction of jail time and the resulting savings to  
14 the county jail system are expected to be insignificant.

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This bill may decrease the number of criminal cases but  
17 increase the number of civil cases filed in the court system.  
18 The net effect on the Judicial Department's workload and  
19 administrative costs will be minimal. The net effect on the  
20 collection of fines and filing fees will also be insignificant.

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**SUMMARY**

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This amendment changes the prohibition on professional  
27 strikebreaking activity to apply to a person who has supplied 10  
28 or more strikebreakers on 2 or more occasions within the previous  
29 20 years. It also allows for the recovery of attorney's fees and  
30 penalties for the prevailing plaintiff. Finally, it exempts  
31 activities necessary to prevent continuing substantial adverse  
32 impact on the employer. The amendment also adds a fiscal note to  
33 the bill.

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