

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1046

H.P. 756

House of Representatives, February 9, 1999

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### **An Act to Prohibit the Employment of Professional Strikebreakers.**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SAMSON of Jay.  
Cosponsored by Senator DOUGLASS of Androscoggin and  
Representatives: BERRY of Livermore, BRYANT of Dixfield, CLARK of Millinocket,  
DAVIS of Falmouth, HATCH of Skowhegan, JABAR of Waterville, TRACY of Rome,  
VOLENIK of Brooklin.

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

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

6 **§852-A. Professional strikebreaking prohibited**

8 1. Definitions. As used in this section, unless the  
10 context otherwise indicates, the following terms have the  
12 following meanings.

14 A. "Professional strikebreaking activity" means the  
16 offering or supplying of persons to perform the tasks  
18 normally assigned to employees involved in a labor dispute,  
20 strike or lockout.

22 2. Professional strikebreaking activity prohibited. A  
24 person, partnership, union, agency, firm, corporation or other  
26 legal entity may not perform professional strikebreaking  
28 activities if that entity has contracted on at least 3 occasions  
30 within the previous 5 years to supply 100 or more employees to an  
32 employer involved in a labor dispute to perform tasks normally  
34 assigned to employees involved in the labor dispute.

36 **Sec. 2. 26 MRSA §856, as enacted by PL 1965, c. 189, is**  
38 **repealed.**

40 **Sec. 3. 26 MRSA §856-A is enacted to read:**

42 **§856-A. Civil action; injunctive or other relief**

44 A person, corporation or labor organization with judicial  
46 standing may bring a civil action for injunctive or other relief  
48 to enforce this subchapter.

36 **Sec. 4. 26 MRSA §857 is enacted to read:**

38 **§857. Exemptions**

40 This subchapter does not apply to the employment of:

42 1. Security guards. Security guards during a labor dispute  
44 if the security guards perform security guard duties only;

46 2. Special maintenance workers. Special maintenance  
48 workers employed by the seller or manufacturer of the equipment  
maintained or persons who have performed the maintenance work on  
the equipment before the beginning of the labor dispute, strike  
or lockout; and

2 3. Permanent employees. Permanent employees involved in  
3 the labor dispute regardless of their usual occupation or duty  
4 station.

6 **Sec. 5. Application.** This Act applies only to the prohibited  
7 activity that occurs on or after the effective date of this Act.

8  
9 **SUMMARY**

10  
11 This bill prohibits the recruitment or employment of  
12 professional strikebreakers and defines the term "professional  
13 strikebreaking activity" so that the bill applies only to those  
14 persons or organizations that have made a practice of supplying  
15 replacement workers during labor disputes.

16  
17 The prohibition may be enforced through a civil action filed  
18 by any interested party. The employment of replacement workers  
19 as security guards or as maintenance workers is exempt from the  
20 prohibition, as is the employment of permanent employees who  
21 choose to work during a strike.

22  
23 Currently, the employment during a strike of a person who  
24 customarily and repeatedly offers services in place of a striking  
25 worker is a crime, punishable by a fine of up to \$300 or 180 days  
26 in jail, or both. This bill repeals that provision.