

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1237

H.P. 880

House of Representatives, February 11, 1999

An Act to Protect the Right of Employees to Freely Decide Whether to Support Labor Organizations.

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 WINSOR of Norway.
Cosponsored by Senator KIEFFER of Aroostook and
Representatives: MARVIN of Cape Elizabeth, TRIPP of Topsham.

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

4 Sec. 1. 26 MRSA c. 23 is enacted to read:

6 CHAPTER 23

8 EMPLOYEES' FREEDOM OF CHOICE

10 §1801. Definitions

12 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

14 1. Employer. "Employer" means any individual, corporation, association, organization or entity that employs one or more persons in any capacity. The term includes the State and its agencies, every governmental subdivision, county, city, township, school district, University of Maine System, Maine Technical College System, Maine Maritime Academy, special district, board, commission, instrumentality or other unit whose governing body exercises similar governmental powers. "Employer" includes employers of agricultural labor.

24 2. Labor organization. "Labor organization" means an organization or an agency or employee representation committee or plan that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of work or other conditions of employment.

30 §1802. Certain conditions of employment prohibited

32 As a condition of employment or continuation of employment, an employer may not require a person to become or remain a member of a labor organization or to pay dues, fees, assessments or other sums of money to a labor organization. An employer may not require that a person be referred, recommended or approved by a labor organization as a condition of employment or continuation of employment.

40 §1803. Certain deductions prohibited

42 It is unlawful for an employer to deduct from the wages, earnings or compensation of an employee any dues, fees, assessments or other charges to be held for or paid over to a labor organization unless the employer has received written authorization for the deduction, signed by the employee, that is revocable by the employee at any time by giving the employer written notice of the revocation 30 days in advance of its effective date. An employer who receives such an authorization from an employee shall promptly notify that employee in writing

2 that the employee may revoke the authorization at any time by
3 giving the employer 30 days' written notice.

4 **§1804. Unlawful agreements, understanding or practice**

6 Any written or oral agreement, understanding or practice
7 between an employer and a labor organization in violation of this
8 chapter is unlawful, void and unenforceable.

10 **§1805. Notice to be posted**

12 Every employer shall post and keep continuously displayed
13 the following notice in the employer's business establishment or
14 premises where it may be readily seen by all employees and shall
15 furnish a copy of the notice to each employee at the time the
16 employee is hired or is reemployed or reinstated after any period
17 of lapse in the employee's employment status:

18 "Under the law of the State of Maine, employees are
19 protected in the exercise of their free choice to join or refrain
20 from joining labor unions, and it is unlawful for an employer and
21 a labor union to enter into a contract or agreement requiring
22 employees to join or remain members of a labor union, or
23 requiring them to pay dues, fees or charges of any kind to a
24 labor union as a condition of obtaining or keeping a job. Under
25 the law, an employer may not discharge or otherwise discriminate
26 against an employee because of the employee joining a labor union
27 or because of the employee's refusal to join, pay dues, fees or
28 other charges to a labor union."

30 **§1806. Penalty**

32 Any person, employer, labor organization or agent or
33 representative of an employer or labor organization who directly
34 or indirectly imposes upon a person any requirement prohibited by
35 this chapter is guilty of a Class E crime.

38 **§1807. Injunctive relief**

40 A person damaged as a result of a violation or threatened
41 violation of this chapter is entitled to injunctive relief
42 against all violators or persons threatening violation and may
43 also recover all damages of any character, resulting from the
44 violation or threatened violation, cognizable at common law.
45 These remedies are independent of and in addition to the
46 penalties and remedies prescribed in other provisions of this
47 chapter.

48 **§1808. Attorney General to investigate any complaint**

2 The Attorney General and the district attorney of each
3 district shall investigate complaints of violation of this
4 chapter, shall prosecute all persons violating this chapter and
5 shall use all means at their command to insure effective
6 enforcement of this chapter.

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SUMMARY

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This bill guarantees state workers free choice in deciding whether to join or refrain from joining labor organizations.