

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

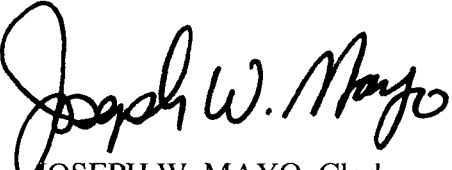
No. 1864

H.P. 1303

House of Representatives, March 16, 1999

An Act Concerning the Political Use of Union Dues.

Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MARVIN of Cape Elizabeth.

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

4 **Sec. 1. 26 MRS.A §§636 and 637 are enacted to read:**

6 **§636. Deduction from wages for use as contribution or expenditure**

8 **1. Prohibited deductions.** An employer or other person
10 responsible for the disbursement of funds in payment of wages may
12 not deduct any funds from an employee's wages that the employer
14 or other person knows or has reason to know will be used in whole
or in part as a contribution or expenditure, as defined in Title
21-A, section 1012, unless the employee has requested the
deduction in writing on the form described in subsection 2 within
the previous 12 months.

16 **2. Authorization form.** The request for deduction required
18 in subsection 1 must be made on an authorization form prescribed
20 by the Commissioner of Labor. At a minimum, the form must
22 contain the name of the employee, the name of the employer, the
24 total annual amount that may be withheld for a contribution or
expenditure and the employee's signature. The form's title must
read, in at least 24-point bold type, "Request for Political
Payroll Deductions." The form must also state in at least
signature line:

26 Signing this form authorizes your employer to make a
28 deduction from your paycheck that is intended to be used as
30 a political contribution or expenditure. You are not
32 obligated to authorize this deduction. Your signature below
is completely voluntary and can not in any way affect your
employment.

34 **3. Recordkeeping.** The employer shall maintain records
36 including a copy of each employee's request, the amounts and
38 dates funds were actually withheld, the amounts and dates funds
were transferred to an entity for use as a contribution or
expenditure and the entity to which the funds were transferred.

40 **4. Waiver prohibited.** The requirements of this section may
42 not be waived by an employee and waiver of these requirements may
not be made a condition of employment or continued employment.

44 **§637. Use of union dues for contributions or expenditures**

46 **1. Prohibited uses.** A labor organization may not use any
48 portion of dues or fees paid to it by members of the labor
organization or by other individuals to make contributions or
50 expenditures, as defined in Title 21-A, section 1012, unless the
use is authorized by the member or other individual by written

2 authorization received within the previous 12 months, as
3 described in subsection 2.

4 2. Authorization form. The authorization required in
5 subsection 1 must be provided on an authorization form prescribed
6 by the Commissioner of Labor. At a minimum, the form must
7 contain the name of the individual granting the authorization,
8 the labor organization to which the authorization is granted, the
9 total annual amount of dues, agency shop fees or other fees that
10 may be used to make contributions or expenditures and the
11 signature of the individual granting the authorization. The
12 form's title must read, in at least 24-point bold type,
13 "Authorization for Political Use of Fees" and must also state, in
14 at least 14-point bold type, the following words immediately
15 above the signature line:

16 Signing this form authorizes a portion of your dues or fees
17 to be used for making political contributions or
18 expenditures. You are not obligated to sign this
19 authorization. Your signature below is completely voluntary
20 and can not in any way affect your employment.

21 3. Recordkeeping. A labor organization that uses any
22 portion of dues, agency shop fees or other fees to make
23 contributions or expenditures shall maintain records that include
24 a copy of the authorization form obtained under subsection 2, the
25 amounts and dates that funds were withheld, the amounts and dates
26 that funds were used or transferred for use as a contribution or
27 expenditure and the contribution or expenditure that was made or
28 the name of the entity to which the funds were transferred to be
29 used as a contribution or expenditure.

30 4. Nonauthorization. A labor organization may not raise
31 the dues or fees of a person who does not authorize political use
32 of the fees or dues in lieu of the authorization. If the labor
33 organization's dues or fees include an amount for contributions
34 or expenditures, the dues or fees must be reduced by that amount
35 for an individual who does not authorize political use of the
36 dues or fees.

37 5. Waiver prohibited. The requirements of this section may
38 not be waived by an individual, and waiver of the requirements
39 may not be made a condition of employment or continued employment.

46 SUMMARY

47 This bill prohibits an employer from withholding wages to be
48 used for political purposes and prohibits a labor organization
49 from using dues or fees for political purposes unless the
50 withholding and use are authorized by the employee.