

MAINE STATE LEGISLATURE

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No. 1604

H.P. 1126

House of Representatives, March 21, 2007

An Act To End the Automatic Deduction of Union Dues from the Paychecks of Nonunion Members

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LANSLEY of Sabattus.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and
Representatives: DUPREY of Hampden, LEWIN of Eliot, McKANE of Newcastle,
SAVIELLO of Wilton, TARDY of Newport, VAUGHAN of Durham, WOODBURY of
Yarmouth, Senator: TURNER of Cumberland.

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

2 **Sec. 1. 26 MRSA §597**, as enacted by PL 1991, c. 366, is repealed and the
3 following enacted in its place:

4 **§597. Conditions of employment**

5 An employer or an agent of an employer may not require, as a condition of
6 employment, that any employee or prospective employee:

7 1. Tobacco use. Refrain from using tobacco products outside the course of that
8 employment or otherwise discriminate against any person with respect to the person's
9 compensation, terms, conditions or privileges of employment for using tobacco products
10 outside the course of employment as long as the employee complies with any workplace
11 policy concerning use of tobacco;

12 2. Join a union. Join or participate in any labor union, employee association or
13 bargaining agent unit; or

14 3. Union dues. Pay any dues, fees or other monetary contribution to a labor union,
15 employee association or bargaining agent.

16 **Sec. 2. 26 MRSA §963**, as enacted by PL 1969, c. 424, §1, is repealed and the
17 following enacted in its place:

18 **§963. Right of public employees to join or refrain from joining labor organizations**

19 A person may not directly or indirectly interfere with, intimidate, restrain, coerce or
20 discriminate against a public employee or a group of public employees in the free
21 exercise of their rights, hereby given, voluntarily to:

22 1. Join a union. Join, form and participate in the activities of organizations of their
23 own choosing for the purposes of representation and collective bargaining or in the free
24 exercise of any other right under this chapter; or

25 2. Not join a union. Refrain from joining or participating in the activities of
26 organizations for the purposes of representation and collective bargaining.

27 **Sec. 3. 26 MRSA §964, sub-§1, ¶F**, as enacted by PL 1969, c. 424, §1, is
28 amended to read:

29 F. Blacklisting of any employee organization or its members for the purpose of
30 denying them employment;

31 **Sec. 4. 26 MRSA §964, sub-§1, ¶G** is enacted to read:

32 G. Requiring an employee to join or support or pay any type of union dues or fees of
33 any type to a union, employee association or bargaining agent; or

34 **Sec. 5. 26 MRSA §964, sub-§1, ¶H** is enacted to read:

1 H. Terminating or disciplining an employee for not paying union dues or fees of any
2 type.

3 **Sec. 6. 26 MRSA §979-B**, as amended by PL 1997, c. 741, §4 and affected by
4 §12, is repealed and the following enacted in its place:

5 **§979-B. Right of state employees or legislative employees to join or refrain from**
6 **joining labor organizations; prohibition**

7 A person may not directly or indirectly interfere with, intimidate, restrain, coerce or
8 discriminate against a state or legislative employee or a group of employees in the free
9 exercise of their rights, hereby given, voluntarily to:

10 **1. Join a union.** Join, form and participate in the activities of organizations of their
11 own choosing for the purposes of representation and collective bargaining or in the free
12 exercise of any other right under this chapter; or

13 **2. Not join a union.** Refrain from joining or participating in the activities of
14 organizations for the purposes of representation and collective bargaining.

15 A person may not require a state or legislative employee or group of state or
16 legislative employees to join, participate in or contribute to an organization, union or
17 collective bargaining agent for the purposes of representation or collective bargaining.

18 **Sec. 7. 26 MRSA §979-C, sub-§1, ¶F**, as enacted by PL 1973, c. 774, is
19 amended to read:

20 F. Blacklisting of any employee organization or its members for the purpose of
21 denying them employment.;

22 **Sec. 8. 26 MRSA §979-C, sub-§1, ¶G** is enacted to read:

23 G. Requiring an employee to join or support or pay any type of union dues or fees of
24 any type to a union, employee association or bargaining agent; or

25 **Sec. 9. 26 MRSA §979-C, sub-§1, ¶H** is enacted to read:

26 H. Terminating or disciplining an employee for not paying union dues or fees of any
27 type.

28 **Sec. 10. 26 MRSA §1023**, as amended by PL 2003, c. 20, Pt. OO, §2 and as
29 affected by §4, is repealed and the following enacted in its place:

30 **§1023. Right of university, academy or community college employees to join or**
31 **refrain from joining labor organizations; prohibition**

32 A person may not directly or indirectly interfere with, intimidate, restrain, coerce or
33 discriminate against a university, academy or community college employee or a group of
34 university, academy or community college employees in the free exercise of their rights,
35 hereby given, voluntarily to:

1 1. Join a union. Join, form and participate in the activities of organizations of their
2 own choosing for the purposes of representation and collective bargaining or in the free
3 exercise of any other right under this chapter; or

4 2. Not join a union. Refrain from joining or participating in the activities of
5 organizations for the purposes of representation and collective bargaining.

6 A person may not require a university, academy or community college employee or a
7 group of university, academy or community college employees to join, participate in or
8 contribute to an organization, union or collective bargaining agent for the purposes of
9 representation or collective bargaining.

10 **Sec. 11. 26 MRSA §1027, sub-§1, ¶E**, as repealed and replaced by PL 1985, c.
11 737, Pt. A, §67, is amended to read:

12 E. Refusing to bargain collectively with the bargaining agent of its employees as
13 required by section 1026; ~~or~~

14 **Sec. 12. 26 MRSA §1027, sub-§1, ¶F**, as enacted by PL 1975, c. 603, §1, is
15 amended to read:

16 F. Blacklisting of any employee organization or its members for the purpose of
17 denying them employment;:

18 **Sec. 13. 26 MRSA §1027, sub-§1, ¶G** is enacted to read:

19 G. Requiring an employee to join or support or pay any type of union dues or fees of
20 any type to a union, employee association or bargaining agent; or

21 **Sec. 14. 26 MRSA §1027, sub-§1, ¶H** is enacted to read:

22 H. Terminating or disciplining an employee for not paying union dues or fees of any
23 type.

24 **Sec. 15. 26 MRSA §1283**, as enacted by PL 1983, c. 702, is repealed and the
25 following enacted in its place:

26 **§1283. Right of judicial employees to join or refrain from joining labor**
27 **organizations; prohibition**

28 A person may not directly or indirectly interfere with, intimidate, restrain, coerce or
29 discriminate against a judicial employee or a group of judicial employees in the free
30 exercise of their rights, hereby given, voluntarily to:

31 1. Join a union. Join, form and participate in the activities of organizations of their
32 own choosing for the purposes of representation and collective bargaining or in the free
33 exercise of any other right under this chapter; or

34 2. Not join a union. Refrain from joining or participating in the activities of
35 organizations for the purposes of representation and collective bargaining.

1 A person may not require a judicial employee or a group of judicial employees to
2 join, participate in or contribute to an organization, union or collective bargaining agent
3 for the purposes of representation or collective bargaining.

4 **Sec. 16. 26 MRSA §1284, sub-§1, ¶E**, as enacted by PL 1983, c. 702, is
5 amended to read:

6 E. Refusing to bargain collectively with the bargaining agent of its employees, as
7 required by section 1285; or

8 **Sec. 17. 26 MRSA §1284, sub-§1, ¶F**, as enacted by PL 1983, c. 702, is
9 amended to read:

10 F. Blacklisting any employee organization or its members for the purpose of
11 denying them employment;

12 **Sec. 18. 26 MRSA §1284, sub-§1, ¶G** is enacted to read:

13 G. Requiring an employee to join or support or pay any type of union dues or fees of
14 any type to a union, employee association or bargaining agent; or

15 **Sec. 19. 26 MRSA §1284, sub-§1, ¶H** is enacted to read:

16 H. Terminating or disciplining an employee for not paying union dues or fees of any
17 type.

18 **Sec. 20. 26 MRSA §1323**, as enacted by PL 1997, c. 472, §1, is amended to read:

19 **§1323. Rights of agricultural employees; organization, collective bargaining**

20 Agricultural employees have the right to self-organize; to form, join or assist labor
21 organizations; to bargain collectively through representatives of their own choosing; and
22 to engage in other concerted activities for the purpose of collective bargaining or other
23 mutual aid or protection. Agricultural employees also have the right to refrain from such
24 activities ~~except to the extent that this right may be affected by an agreement requiring~~
25 ~~membership in a labor organization as a condition of employment as authorized in section~~
26 ~~1324, subsection 1, paragraph B , including not joining a union, labor organization or~~
27 ~~bargaining agent unit and not paying union dues or fees.~~

28 **Sec. 21. 26 MRSA §1324, sub-§1, ¶B**, as enacted by PL 1997, c. 472, §1, is
29 amended to read:

30 B. Encouraging or discouraging membership in any employee organization by
31 discrimination in regard to hire or tenure of employment or any term or condition of
32 employment. ~~This chapter, or any other provision of law, may not preclude an~~
33 ~~agricultural employer from making an agreement with a labor organization not~~
34 ~~established, maintained or assisted by any action defined in this section as a~~
35 ~~prohibited practice to require as a condition of employment membership in that labor~~
36 ~~organization on or after the 5th day following the beginning of employment or the~~
37 ~~effective date of the agreement, whichever is later, if the labor organization is the~~

1 ~~representative of the agricultural employees as provided in section 1327 in the~~
2 ~~appropriate collective bargaining unit covered by the agreement;~~

3 **Sec. 22. 26 MRSA §1324, sub-§1, ¶F**, as enacted by PL 1997, c. 472, §1, is
4 amended to read:

5 F. Locking out their employees; and

6 **Sec. 23. 26 MRSA §1324, sub-§1, ¶G**, as enacted by PL 1997, c. 472, §1, is
7 amended to read:

8 G. Blacklisting any employee organization or its members for the purpose of
9 denying employment;

10 **Sec. 24. 26 MRSA §1324, sub-§1, ¶H** is enacted to read:

11 H. Requiring an employee to join or support or pay any type of union dues or fees of
12 any type to a union, employee association or bargaining agent; or

13 **Sec. 25. 26 MRSA §1324, sub-§1, ¶I** is enacted to read:

14 I. Terminating or disciplining an employee for not paying union dues or fees of any
15 type.

16 **SUMMARY**

17 This bill specifies that public employees, including state and legislative employees,
18 university, academy and community college employees, judicial employees and
19 agricultural employees, may not be required by an employer or other person to join a
20 union, labor organization or bargaining agent unit and may not be required to pay union
21 dues or fees of any type.