

MAINE STATE LEGISLATURE

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Date: 06-11-07

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**STATE OF MAINE
SENATE
123RD LEGISLATURE
FIRST REGULAR SESSION**

Majority

COMMITTEE AMENDMENT "A" to S.P. 714, L.D. 1915, Bill, "An Act To Protect Fair Share Workers from Termination"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 26 MRSA §629, as amended by PL 1983, c. 652, §5, is repealed and the following enacted in its place:

§629. Unfair agreements

1. Work without compensation; return of compensation. A person, firm or corporation may not require or permit any person as a condition of securing or retaining employment to work without monetary compensation or when having an agreement, oral, written or implied, that a part of such compensation should be returned to the person, firm or corporation for any reason other than for the payment of a loan, debt or advance made to the person, or for the payment of any merchandise purchased from the employer or for sick or accident benefits, or life or group insurance premiums, excluding compensation insurance, that an employee has agreed to pay, or for rent, light or water expense of a company-owned house or building. This section does not apply to work performed in agriculture or in or about a private home.

2. Debt. For purposes of this subchapter, "debt" means a benefit to the employee. "Debt" does not include items incurred by the employee in the course of the employee's work or dealing with customers on the employer's behalf, such as cash shortages, inventory shortages, dishonored checks, dishonored credit cards, damages to the employer's property in any form or any merchandise purchased by a customer.

3. Penalty. An employer is liable to an employee for the amount returned to the employer by that employee as prohibited in this section.

4. Deduction of service fees. Public employers may deduct service fees owed by an employee to a collective bargaining agent from the employee's pay, without signed authorization from the employee, and remit those fees to the bargaining agent, as long as:

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COMMITTEE AMENDMENT "A" to S.P. 714, L.D. 1915

1 A. The fee obligation arises from a lawfully executed and implemented collective
2 bargaining agreement; and

3 B. In the event a fee payor owes any arrears on the payor's fee obligations, the
4 deduction authorized under this subsection may include an installment on a payment
5 plan to reimburse all arrears, but may not exceed in each pay period 10% of the gross
6 pay owed.

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

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

10 A person may not directly or indirectly interfere with, intimidate, restrain, coerce or
11 discriminate against a public employee or a group of public employees in the free
12 exercise of their rights, given by this section, to voluntarily:

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

16 2. Not join a union. Refrain from joining or participating in the activities of
17 organizations for the purposes of representation and collective bargaining, except that an
18 employee may be required to pay to the organization that is the bargaining agent for the
19 employee a service fee that represents the employee's pro rata share of those expenditures
20 that are germane to the organization's representational activities.

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

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

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

26 G. Requiring an employee to join a union, employee association or bargaining agent
27 as a member; and

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

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

31 **Sec. 6. 26 MRSA §979-B**, as amended by PL 1997, c. 741, §4 and affected by
32 §12, is repealed and the following enacted in its place:

33 **§979-B. Right of state employees or legislative employees to join or refrain from**
34 **joining labor organizations; prohibition**

35 A person may not directly or indirectly interfere with, intimidate, restrain, coerce or
36 discriminate against a state or legislative employee or a group of employees in the free
37 exercise of their rights, given by this section, to voluntarily:

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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, except that an
6 employee may be required to pay to the organization that is the bargaining agent for the
7 employee a service fee that represents the employee's pro rata share of those expenditures
8 that are germane to the organization's representational activities.

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

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

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

14 G. Requiring an employee to join a union, employee association or bargaining agent
15 as a member; and

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

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

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

21 **§1023. Right of university, academy or community college employees to join or**
22 **refrain from joining labor organizations; prohibition**

23 A person may not directly or indirectly interfere with, intimidate, restrain, coerce or
24 discriminate against a university, academy or community college employee or a group of
25 university, academy or community college employees in the free exercise of their rights,
26 given by this section, to voluntarily:

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

30 2. Not join a union. Refrain from joining or participating in the activities of
31 organizations for the purposes of representation and collective bargaining, except that an
32 employee may be required to pay to the organization that is the bargaining agent for the
33 employee a service fee that represents the employee's pro rata share of those expenditures
34 that are germane to the organization's representational activities.

35 **Sec. 11. 26 MRSA §1027, sub-§1, ¶E**, as repealed and replaced by PL 1985, c.
36 737, Pt. A, §67, is amended to read:

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

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

AMS

COMMITTEE AMENDMENT "A" to S.P. 714, L.D. 1915

- 1 F. Blacklisting of any employee organization or its members for the purpose of
- 2 denying them employment;
- 3 **Sec. 13. 26 MRSA §1027, sub-§1, ¶G** is enacted to read:
- 4 G. Requiring an employee to join a union, employee association or bargaining agent
- 5 as a member; and
- 6 **Sec. 14. 26 MRSA §1027, sub-§1, ¶H** is enacted to read:
- 7 H. Terminating or disciplining an employee for not paying union dues or fees of any
- 8 type.
- 9 **Sec. 15. 26 MRSA §1283**, as enacted by PL 1983, c. 702, is repealed and the
- 10 following enacted in its place:
- 11 **§1283. Right of judicial employees to join or refrain from joining labor**
- 12 **organizations; prohibition**
- 13 A person may not directly or indirectly interfere with, intimidate, restrain, coerce or
- 14 discriminate against a judicial employee or a group of judicial employees in the free
- 15 exercise of their rights, given by this section, to voluntarily:
- 16 1. Join a union. Join, form and participate in the activities of organizations of their
- 17 own choosing for the purposes of representation and collective bargaining or in the free
- 18 exercise of any other right under this chapter; or
- 19 2. Not join a union. Refrain from joining or participating in the activities of
- 20 organizations for the purposes of representation and collective bargaining, except that an
- 21 employee may be required to pay to the organization that is the bargaining agent for the
- 22 employee a service fee that represents the employee's pro rata share of those expenditures
- 23 that are germane to the organization's representational activities.
- 24 **Sec. 16. 26 MRSA §1284, sub-§1, ¶E**, as enacted by PL 1983, c. 702, is
- 25 amended to read:
- 26 E. Refusing to bargain collectively with the bargaining agent of its employees, as
- 27 required by section 1285; or
- 28 **Sec. 17. 26 MRSA §1284, sub-§1, ¶F**, as enacted by PL 1983, c. 702, is
- 29 amended to read:
- 30 F. Blacklisting any employee organization or its members for the purpose of
- 31 denying them employment;
- 32 **Sec. 18. 26 MRSA §1284, sub-§1, ¶G** is enacted to read:
- 33 G. Requiring an employee to join a union, employee association or bargaining agent
- 34 as a full member; and
- 35 **Sec. 19. 26 MRSA §1284, sub-§1, ¶H** is enacted to read:
- 36 H. Terminating or disciplining an employee for not paying union dues or fees of any
- 37 type.

COMMITTEE AMENDMENT



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LD 1915

LR 2677(02)

An Act To Protect Fair Share Workers from Termination

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Labor

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Maine Labor Relations Board associated with developing the required recommendations can be absorbed within existing budgeted resources.