

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 489

H.P. 328

House of Representatives, February 24, 2015

**An Act To Ensure the Right To Work without Payment of Dues or
Fees to a Labor Union as a Condition of Employment**

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LOCKMAN of Amherst.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: O'CONNOR of Berwick, REED of Carmel, SAWICKI of Auburn, SIROCKI
of Scarborough, STETKIS of Canaan, WARD of Dedham, Senators: BURNS of Washington,
WILLETTE of Aroostook.

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

2 **Sec. 1. 26 MRSA §963, sub-§2**, as enacted by PL 2007, c. 415, §2, is amended to
3 read:

4 **2. Not join a union and not pay union dues.** Refrain from joining or participating
5 in the activities of organizations for the purposes of representation and collective
6 bargaining, ~~except that an employee may be required to pay to the organization that is the~~
7 ~~bargaining agent for the employee a service fee that represents the employee's pro rata~~
8 ~~share of those expenditures that are germane to the organization's representational~~
9 ~~activities and refrain from paying any dues, fees, assessments or other similar charges,~~
10 however denominated, of any kind or amount to a labor organization or to a 3rd party or
11 charity in lieu of payment to a labor organization.

12 **Sec. 2. 26 MRSA §1023, sub-§2**, as enacted by PL 2007, c. 415, §10, is amended
13 to read:

14 **2. Not join a union and not pay union dues.** Refrain from joining or participating
15 in the activities of organizations for the purposes of representation and collective
16 bargaining, ~~except that an employee may be required to pay to the organization that is the~~
17 ~~bargaining agent for the employee a service fee that represents the employee's pro rata~~
18 ~~share of those expenditures that are germane to the organization's representational~~
19 ~~activities and refrain from paying any dues, fees, assessments or other similar charges,~~
20 however denominated, of any kind or amount to a labor organization or to a 3rd party or
21 charity in lieu of payment to a labor organization.

22 **Sec. 3. 26 MRSA §1283, sub-§2**, as enacted by PL 2007, c. 415, §15, is amended
23 to read:

24 **2. Not join a union and not pay union dues.** Refrain from joining or participating
25 in the activities of organizations for the purposes of representation and collective
26 bargaining, ~~except that an employee may be required to pay to the organization that is the~~
27 ~~bargaining agent for the employee a service fee that represents the employee's pro rata~~
28 ~~share of those expenditures that are germane to the organization's representational~~
29 ~~activities and refrain from paying any dues, fees, assessments or other similar charges,~~
30 however denominated, of any kind or amount to a labor organization or to a 3rd party or
31 charity in lieu of payment to a labor organization.

32 **Sec. 4. 26 MRSA c. 43** is enacted to read:

33 **CHAPTER 43**

34 **RIGHT TO REFRAIN FROM JOINING A UNION**

35 **§3501. Definitions**

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

1 **1. Employer.** "Employer" means a person, firm, association, corporation, public
2 employer, public school employer, public college, public university, public institution or
3 public education agency.

4 **2. Labor organization.** "Labor organization" means an organization, agency or
5 employee representation committee or union that exists for the purpose, in whole or in
6 part, of negotiating or bargaining with employers on behalf of employees concerning
7 wages, rates of pay, hours of work, other conditions of employment or other forms of
8 compensation.

9 **§3502. Right to refrain**

10 Notwithstanding any law to the contrary, a person may not be required, as a condition
11 of employment or continuation of employment, to:

12 **1. Member.** Become or remain a member of a labor organization;

13 **2. Dues.** Pay any dues, fees, assessments or other similar charges, however
14 denominated, of any kind or amount to a labor organization; or

15 **3. Payment to 3rd party.** Pay to a charity or other 3rd party, in lieu of payments
16 specified in subsection 2, any amount equivalent to or a pro rata portion of dues, fees,
17 assessments or other charges required of members of a labor organization.

18 **§3503. Agreements in violation**

19 An agreement, understanding or practice, written or oral, implied or expressed,
20 between a labor organization and an employer that violates a provision of this chapter is
21 unlawful, void and of no legal effect.

22 **§3504. Penalty**

23 A person who directly or indirectly violates any provision of this chapter commits a
24 Class D crime.

25 **§3505. Injunctive relief**

26 A person injured as a result of another person's violation or threatened violation of a
27 provision of this chapter is entitled to injunctive relief against the person violating or
28 threatening to violate this chapter.

29 **§3506. Damages**

30 A person injured as a result of a violation or threatened violation of a provision of
31 this chapter may recover all damages, including court costs and reasonable attorney's
32 fees, resulting from the violation or threatened violation. A recovery of damages under
33 this section is independent of and in addition to the penalty provided in section 3504.

