

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 66

H.P. 53

House of Representatives, January 11, 2017

**An Act To Prohibit Public Employers from Acting as Collection
Agents for Labor Unions**

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 DAVIS of Piscataquis and
Representatives: AUSTIN of Gray, GUERIN of Glenburn, PICCHIOTTI of Fairfield,
SAMPSON of Alfred, SIROCKI of Scarborough, STROM of Pittsfield, Senators: VOLK of
Cumberland, WHITTEMORE of Somerset.

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

2 **Sec. 1. 21-A MRSA §32, sub-§3**, as amended by PL 2009, c. 144, §1, is further
3 amended to read:

4 **3. Class C crime.** A person commits a Class C crime if that person misuses a state
5 government computer system. For purposes of this subsection, a person is guilty of
6 misuse of a state government computer system if that person knowingly uses a computer
7 system operated by a state department or agency, the Judicial Department or the
8 Legislature:

9 A. To prepare materials with the intent to expressly advocate, to those eligible to
10 vote, for the election or defeat of any candidate for a federal office, a constitutional
11 office or elective municipal, county or state office, including leadership positions in
12 the State Senate and the State House of Representatives; or

13 B. With the intent to solicit contributions reportable under chapter 13.

14 For purposes of this subsection, "computer system" has the same meaning as in Title
15 17-A, section 431 and "leadership positions" means the presiding officers of each House
16 of the Legislature, party leaders, the Clerk of the House, the Assistant Clerk of the House,
17 the Secretary of the Senate and the Assistant Secretary of the Senate.

18 ~~This subsection may not be construed to prohibit a public employer from deducting dues
19 or other funds from an employee's pay, as authorized by the employee and provided
20 through a collective bargaining agreement, and remitting those funds to an account or
21 fund owned by the employee's collective bargaining agent, even if the funds might be
22 used for political or legislative purposes.~~

23 **Sec. 2. 26 MRSA §629, sub-§4**, as repealed and replaced by PL 2007, c. 524, §1,
24 is amended to read:

25 **4. Deduction of service fees.** Public employers may not deduct service fees or
26 member dues owed by an employee to a collective bargaining agent from the employee's
27 pay, ~~without signed authorization from the employee, and remit those fees to the~~
28 ~~bargaining agent, as long as:~~

29 ~~A. The fee obligation arises from a lawfully executed and implemented collective~~
30 ~~bargaining agreement; and~~

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

35 SUMMARY

36 Current law allows a public employer to deduct service fees owed by an employee to
37 a collective bargaining agent pursuant to a lawful collective bargaining agreement. This
38 bill prohibits a public employer from collecting those fees or collecting member dues.

1 This bill also eliminates language from the election statutes allowing a public
2 employer to deduct dues or other funds from an employee's pay and remit those funds to
3 the employee's collective bargaining agent.