

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1636

S.P. 653

In Senate, April 12, 2023

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**An Act to Ensure the Right to Work Without Payment of Dues or Fees to a Labor Union**

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Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.  
Cosponsored by Representative QUINT of Hodgdon and  
Senators: HARRINGTON of York, LIBBY of Cumberland, MOORE of Washington,  
STEWART of Aroostook, Representatives: DRINKWATER of Milford, FAULKINGHAM of  
Winter Harbor, LIBBY of Auburn, SAMPSON of Alfred.

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 share~~  
8 ~~of those expenditures that are germane to the organization's representational activities~~ and  
9 refrain from paying any dues, fees, assessments or other similar charges, however  
10 denominated, of any kind or amount to a labor organization or to a 3rd party or charity in  
11 lieu of payment to a labor organization.

12 **Sec. 2. 26 MRSA §979-B, sub-§2**, as enacted by PL 2007, c. 415, §6, 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 share~~  
18 ~~of those expenditures that are germane to the organization's representational activities~~ and  
19 refrain from paying any dues, fees, assessments or other similar charges, however  
20 denominated, of any kind or amount to a labor organization or to a 3rd party or charity in  
21 lieu of payment to a labor organization.

22 **Sec. 3. 26 MRSA §1023, sub-§2**, as enacted by PL 2007, c. 415, §10, 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 share~~  
28 ~~of those expenditures that are germane to the organization's representational activities~~ and  
29 refrain from paying any dues, fees, assessments or other similar charges, however  
30 denominated, of any kind or amount to a labor organization or to a 3rd party or charity in  
31 lieu of payment to a labor organization.

32 **Sec. 4. 26 MRSA §1283, sub-§2**, as enacted by PL 2007, c. 415, §15, is amended  
33 to read:

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

42 **Sec. 5. 26 MRSA c. 51** is enacted to read:

1 CHAPTER 51

2 RIGHT TO REFRAIN FROM JOINING UNION

3 **§3901. Definitions**

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

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

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

14 **§3902. Right to refrain**

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

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

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

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

23 **§3903. Agreements in violation**

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

27 **§3904. Penalty**

28 A person who directly or indirectly violates a provision of this chapter commits a Class  
29 D crime.

30 **§3905. Injunctive relief**

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

34 **§3906. Damages**

35 A person injured as a result of a violation or threatened violation of a provision of this  
36 chapter may recover all damages, including court costs and reasonable attorney's fees,  
37 resulting from the violation or threatened violation. A recovery of damages under this  
38 section is independent of and in addition to the penalty provided in section 3904.

