

# MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H   L E G I S L A T U R E

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**Legislative Document**

**No. 1207**

S. P. 689

House of Representatives, April 19, 1939.

Reported by Four Members (Report B) from Committee on Labor. On motion of Mr. Marshall of Auburn Reports A, B and C tabled pending motion of Mr. Azonico of Yarmouth that Report "B" be accepted. Tomorrow assigned. New draft ordered printed.

HARVEY R. PEASE, Clerk.

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S T A T E   O F   M A I N E

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-NINE

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**AN ACT Relating to Labor Relations.**

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

**Sec. 1. Title.** This act shall be known as the Maine Labor Relations Act.

**Sec. 2. Right to organize.** Employees of any person, firm or corporation within the state of Maine shall have the right to self organization, to form or join labor organizations, to bargain collectively through representatives of their own choosing, free from interference, restraint or coercion by any person. Provided, however, that nothing in this act shall preclude an employer from making an agreement with a labor organization requiring as a condition of employment membership therein of all employees eligible to such membership.

**Sec. 3. Unfair labor practices.** (a) Employers are forbidden to spy upon any activities of employees acting under the rights conferred upon them under section 2 of this act.

(b) No person seeking employment shall be required to join any company union and neither shall he be restrained from joining a labor organization of his own choosing.

(c) Employees shall have the right to bargain collectively with employers, through representatives of their choosing, and any agreement reached shall be put in writing and signed by duly authorized agents of both employer and employees.

(d) It shall be an unfair labor practice for a labor organization or the employees: (1) To seize or occupy unlawfully private property as a means of forcing settlement of a labor dispute; (2) To break any contract with an employer or employers concerning the terms or conditions of employment.

**Sec. 4. Election of labor representatives.** Representatives selected for the purpose of collective bargaining shall be elected by a majority vote of all employees who have been on the payroll of the organization for at least 3 months, next prior to the election and representatives so elected shall be the exclusive bargaining agency of all employees.

**Sec. 5. Administration.** The governor, subject to the approval of the council, shall appoint for a term of 2 years an employer of labor and a bona fide member of a labor organization who together with the commissioner of labor and industry shall constitute a labor relations commission. The commissioner of labor and industry shall serve without additional compensation. The other members of said commission shall receive the sum of \$10 per day when actually engaged in the performance of their duties and the necessary expenses of all members shall be paid upon approval by the governor and council. The commission shall have full authority to carry out the provisions of this act.

**Sec. 6. Orders and decrees.** The commission shall, upon any alleged violation of any of the provisions of this act, hold a public hearing and if it determines that said act has been violated it shall issue such order or decree as may be necessary and proper to terminate or prevent such violation. A duly attested copy of such order or decree shall be served on all persons involved therein and any person violating the same shall be punished by a fine of not more than \$500, or by imprisonment for not more than 3 months, or by both such fine and imprisonment.

**Sec. 7. Rules and regulations.** The commission, subject to the approval of the chief justice of the supreme judicial court, shall prescribe and publish such rules and regulations as to the conduct of elections and other proceedings as may be necessary to carry out the provisions of this act.

**Sec. 8. Appeal from decisions of commission.** Any person aggrieved

by any decision of the commission may bring a petition in the superior court in the county where the dispute has arisen praying that such decision of the commission may be reviewed by the court, and, after such notice to the commission as the court deems necessary, it shall review such decision, hear the evidence and make such order approving, in whole or in part, or setting aside, in whole or in part, the decision appealed from as justice may require, and may refer any matter or issue arising in the proceedings to the commission for further consideration. The filing of the petition shall not stay proceedings upon the decision appealed from, but the court may, on application, after notice to the commission and for cause shown, grant a restraining order.

**Sec. 9. Exemption.** This act shall not apply to persons engaged in agricultural or seasonal industries, or in domestic service.