

MAINE STATE LEGISLATURE

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

Legislative Document

No. 754

H. P. 1184

House of Representatives, February 13, 1947

Referred to the Committee on Labor, sent up for concurrence and 1,500 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Woodbury of New Gloucester by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Protect the Right to Work and to Prohibit Secondary Boycotts,
Sympathetic Strikes and Jurisdictional Strikes.

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

R. S., c. 25, §§ 121-131, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto 11 new sections, to be numbered 121 to 131, inclusive, to read as follows:

Sec. 121. Public policy on right to work defined. It is hereby declared to be the public policy of the state of Maine that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization.

Sec. 122. Agreements or combinations in restraint of right to work declared illegal. Any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for said employer, or whereby membership in such union or organization is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy and an illegal combination or conspiracy.

Sec. 123. Conditioning employment or non-union membership prohibited. No person shall be required by an employer to abstain or refrain from membership in any labor union or labor organization as a condition of employment or continuation of employment.

Sec. 124. Conditioning employment on union membership prohibited. No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of employment by such employer.

Sec. 125. Conditioning employment on payment of union charges prohibited. No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to any labor union or labor organization.

Sec. 126. Secondary boycotts prohibited. No person, labor union or labor organization or member thereof or person acting on behalf of such union or organization shall by any means or methods whatsoever engage in a secondary boycott. The term "secondary boycott" shall include causing or threatening to cause and combining or conspiring to cause or threaten to cause, injury to a person not a party to the particular labor dispute, to aid which such boycott is initiated or continued, whether by (a) withholding patronage, labor, or other beneficial business intercourse; (b) picketing; (c) refusing to handle, install, use or work on particular materials, equipment or supplies; or (d) by any other unlawful means, in order to bring such person against his or its will into a concerted plan to coerce or inflict damage upon another or to compel the party with whom such labor dispute exists to comply with any particular demands.

Sec. 127. Sympathetic strikes prohibited. No employee, labor union or labor organization or member thereof or person acting on behalf of such union or organization shall cause or, acting in concert or confederation with others, participate in a sympathetic strike. The term "sympathetic strike" shall include a strike, slowdown or stoppage of work for the purpose of aiding others than the participants in said sympathetic strike in the course of a dispute which has no direct relation to the participant's own rates of pay, wages, hours of employment or other conditions of employment.

Sec. 128. Jurisdictional strikes prohibited. No labor union or labor organization or member thereof or person acting on behalf of such union or organization shall cause or, acting in concert or confederation with others, participate in a jurisdictional strike. The term "jurisdictional

strike" shall include any strike, slowdown or stoppage of work because of any dispute, grievance or disagreement between or within labor unions or labor organizations.

Sec. 129. Boycotting; picketing upon agricultural premises. No person shall picket upon or about any farm, processing plant or other premises where either produce is raised, or dairy products are produced, bought or sold, or boycott the movement to market, or sale of any agricultural commodity or dairy products, because such commodities may have been produced or transported by non-union labor or in violation of the orders or rules of any labor union.

Sec. 130. Present contracts excepted. The provisions of sections 122, 123, 124 and 125 shall not apply to any lawful contract in force on the effective date of sections 121 to 131, inclusive, but they shall apply in all respects to contracts entered into thereafter and to any renewal or extension of an existing contract.

Sec. 131. Penalties and remedies. Any person or persons entering into an agreement declared illegal by section 122 or violating the provisions of sections 123, 124, 125, 126, 127, 128 and 129 shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.

Any person who may be denied employment or be deprived of continuation of his employment in violation of sections 123, 124 or 125, or of one or more of such sections, shall be entitled to recover from such employer and from any other person, firm, corporation or association acting in concert with him by appropriate action in the courts of this state such damages as he may have sustained by reason of such denial or deprivation of employment.'