

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. 1486

H. P. 1744

House of Representatives, April 30, 1947

Reported by Majority of the Committee on Labor, and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Prevent Strikes Against Public Utilities and Municipal Corporations and the State of Maine.

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

R. S., c. 25, §§ 16-A - 16-E, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto 5 new sections to be numbered 16-A to 16-E, inclusive, to read as follows:

'Sec. 16-A. Employees of state and political subdivisions; waiver of right to strike. The state or any political subdivision or agency thereof may require its employees, as a condition of employment, to waive in writing the right to strike.

Sec. 16-B. Strikes against the state, political subdivisions, public utilities and municipal corporations. It shall be unlawful, as against the public interest, for employees of the state, its political subdivisions and agencies or for employees of a public utility, individually or collectively, to enter into, engage in or participate in any strike and it shall be unlawful for the officers or directors of any public utility or the officers of the state or its political subdivisions to authorize any lockout, until the jurisdiction for any such strike or lockout shall have been determined and certified in writing, after public hearing, by the state board of arbitration and conciliation except as provided for in this chapter.

Sec. 16-C. Public emergencies; strikes by state and public utility employees. In the event of a strike or imminent threat of a strike by employees of the state, its political subdivisions or agencies or by the employees of a public utility, the governor may declare a public emergency after due hearing. Such declaration shall prohibit the calling or authorizing of a strike or lockout and shall provide that work shall continue under existing conditions until new conditions of employment shall be determined by mediation and voluntary arbitration, except that such prohibition shall not be effective for a longer period than 90 days from the date of such declaration of public emergency. In the event of such a declaration by the governor, the officers of labor organizations involved in the labor dispute shall rescind any strike or work stoppage orders theretofore issued and order back to work any of those members who fail to live up to their obligations under existing agreements or conditions of employment.

Sec. 16-D. Enforcement proceedings. The attorney-general, at the request of the governor after a declaration of public emergency under the preceding section or at the request of the chairman of the board of arbitration and conciliation, shall petition the superior court or the supreme judicial court of the state within the jurisdiction of which any person affected by the governor's declaration resides, transacts business or is found, for the enforcement of such declaration of public emergency or for appropriate temporary relief or restraining order. Upon the filing of such petition the court shall have jurisdiction of the proceedings and shall have power to grant such temporary relief or restraining order as it deems just and proper and shall make and enter a decree carrying out the purpose of the declaration of public emergency. Notice or process of the court under this section may be served in any county either personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served. Petitions filed under this section shall be heard with all possible expedition. The judgment and decree of the court shall be subject to review by the appropriate courts of the state and of the United States.

Sec. 16-E. Penalties. Any person who shall violate the foregoing section shall be guilty of a misdemeanor and punished by a fine of not more than \$500, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.