



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1232

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H.P. 893

House of Representatives, March 14, 2019

**An Act To Ensure the Right To Work without Payment of Dues or  
Fees to a Labor Union as a Condition of Employment**

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative LOCKMAN of Bradley.  
Cosponsored by Senator DAVIS of Piscataquis and  
Representatives: AUSTIN of Gray, BRADSTREET of Vassalboro, DeVEAU of Caribou,  
FAULKINGHAM of Winter Harbor, JOHANSEN of Monticello, O'CONNOR of Berwick,  
REED of Carmel, STETKIS of Canaan.

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~~  
8 ~~share of those expenditures that are germane to the organization's representational~~  
9 ~~activities and refrain from paying any dues, fees, assessments or other similar charges,~~  
10 however denominated, of any kind or amount to a labor organization or to a 3rd party or  
11 charity in 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~~  
18 ~~share of those expenditures that are germane to the organization's representational~~  
19 ~~activities and refrain from paying any dues, fees, assessments or other similar charges,~~  
20 however denominated, of any kind or amount to a labor organization or to a 3rd party or  
21 charity in 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~~  
28 ~~share of those expenditures that are germane to the organization's representational~~  
29 ~~activities and refrain from paying any dues, fees, assessments or other similar charges,~~  
30 however denominated, of any kind or amount to a labor organization or to a 3rd party or  
31 charity in 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~~  
38 ~~share of those expenditures that are germane to the organization's representational~~  
39 ~~activities and refrain from paying any dues, fees, assessments or other similar charges,~~

1 however denominated, of any kind or amount to a labor organization or to a 3rd party or  
2 charity in lieu of payment to a labor organization.

3 **Sec. 5. 26 MRSA c. 43** is enacted to read:

4 **CHAPTER 43**

5 **RIGHT TO REFRAIN FROM JOINING A UNION**

6 **§3501. Definitions**

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

9 **1. Employer.** "Employer" means a person, firm, association, corporation, public  
10 employer, public school employer, public college, public university, public institution or  
11 public education agency.

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

17 **§3502. Right to refrain**

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

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

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

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

26 **§3503. Agreements in violation**

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

30 **§3504. Penalty**

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

