

Date: (Filing No. S- )

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STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " " to COMMITTEE AMENDMENT "A" to S.P. 378, L.D. 1257, Bill, "An Act Regarding Labor Contracts for Public Works Projects"

Amend the amendment by striking out everything after the title and before the summary and inserting the following:

'Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 26 MRSA §1304, sub-§5-A is enacted to read:

5-A. Interested party. "Interested party" means a bidder, contractor or subcontractor for a public works contract covered by this chapter.

Sec. 2. 26 MRSA §1316 is enacted to read:

§1316. Public works contract requirements

This section applies to public works contracts entered into by the Department of Transportation, the Department of Administrative and Financial Services, Bureau of General Services and the Maine Turnpike Authority for the construction, repair or improvement of roads, highways, bridges, streets or alleys or entered into, awarded or renewed by a public authority from October 1, 2011 to October 1, 2015.

1. Contract documents. The Department of Transportation, the Department of Administrative and Financial Services, Bureau of General Services and the Maine Turnpike Authority, as a condition of awarding a bid under this chapter, may not:

A. Require a bidder, contractor or subcontractor to enter into or comply with or prohibit a bidder, contractor or subcontractor from entering into or complying with an agreement with a labor organization on the same or a related public works project;

B. Discriminate against a bidder, contractor or subcontractor that becomes, refuses to enter into or remains a signatory to or complies with an agreement with a labor organization on the same or a related public works project;

C. Require a bidder, contractor or subcontractor to enter into or comply with or prohibit a bidder, contractor or subcontractor from entering into or complying with an

1 agreement that requires an employee of the bidder, contractor or subcontractor, as a  
2 condition of employment, to:

3 (1) Become a member of or become affiliated with a labor organization; or

4 (2) Over the objection of the employee, pay dues or fees to a labor organization  
5 that exceed the employee's share of the labor organization's costs relating to  
6 collective bargaining, contract administration or grievance adjustment.

7 This section does not prohibit a contractor or subcontractor from voluntarily entering into  
8 an agreement described in paragraphs A and C.

9 The Commissioner of Transportation, the Director of the Bureau of General Services  
10 within the Department of Administrative and Financial Services and the Executive  
11 Director of the Maine Turnpike Authority may exempt a particular project, contract,  
12 subcontract, grant or cooperative agreement from the requirements of the provisions of  
13 paragraph A, B or C, if the agency head finds that special circumstances require an  
14 exemption and it is in the best economic interest of the project.

15 **2. Cooperation with the federal National Labor Relations Act.** This section does  
16 not prohibit an employer or any other person covered by the federal National Labor  
17 Relations Act, 29 United States Code, Chapter 7, Subchapter II from entering into  
18 agreements or engaging in any other activity protected by law. This section may not be  
19 interpreted to interfere with the labor relations of persons covered by the federal National  
20 Labor Relations Act.

21 **3. Compliance.** In the event that a public authority, bidder, contractor or  
22 subcontractor performs in a manner contrary to the provisions of subsection 1, the head of  
23 the public authority or the designee of the head of the public authority shall take such  
24 action consistent with law and rule as the agency determines appropriate.''

25 **SUMMARY**

26 This amendment provides that the contract documents for a public works project may  
27 not require bidders, contractors or subcontractors to enter into or comply with certain  
28 agreements with labor organizations or prohibit such actions.

29 **SPONSORED BY:** \_\_\_\_\_

30 **(Senator THOMAS)**

31 **COUNTY: Somerset**