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Legislative Document

No. 65

H.P. 52

House of Representatives, January 11, 2017

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

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LOCKMAN of Amherst.
Cosponsored by Representative ESPLING of New Gloucester, Senator BRAKEY of Androscoggin, Senator CUSHING of Penobscot and Representatives: AUSTIN of Gray, GINZLER of Bridgton, O'CONNOR of Berwick, SANDERSON of Chelsea, SIROCKI of Scarborough, SUTTON of Warren, VACHON of Scarborough, Senator: VOLK of Cumberland.

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 any provision of this chapter commits a
32 Class D crime.

