



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

---

Legislative Document

No. 1257

S.P. 378

In Senate, March 22, 2011

### An Act Regarding Labor Contracts for Public Works Projects

---

Reference to the Committee on State and Local Government suggested and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator PLOWMAN of Penobscot.

Cosponsored by Senators: MASON of Androscoggin, THOMAS of Somerset, Representatives: CRAFTS of Lisbon, HARVELL of Farmington, TIMBERLAKE of Turner.

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

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

3 **5-A. Interested party.** "Interested party" includes the following:

4 A. A bidder, contractor or subcontractor for a public works contract covered by this  
5 chapter;

6 B. An employee of a bidder, contractor or subcontractor for a public works contract  
7 covered by this chapter; and

8 C. A taxpayer of an entity awarding a public works contract covered by this chapter.

9 **Sec. 2. 26 MRSA §1312, last ¶**, as amended by PL 1997, c. 757, §10, is repealed.

10 **Sec. 3. 26 MRSA §1316** is enacted to read:

11 **§1316. Public works contract requirements**

12 This section applies to public works contracts entered into, awarded or renewed after  
13 October 1, 2011.

14 **1. Contract documents.** The plans, specifications and contract documents for a  
15 public works contract awarded under this chapter may not:

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

18 B. Discriminate against a bidder, contractor or subcontractor for refusing to enter  
19 into, remain a signatory to or comply with an agreement with a labor organization on  
20 the same or a related public works project; or

21 C. Require a bidder, contractor or subcontractor to enter into or comply with an  
22 agreement that requires an employee of the bidder, contractor or subcontractor, as a  
23 condition of employment, to:

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

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

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

34 **3. Penalties.** The following provisions apply to a violation of this section.

