



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 489

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H.P. 328

House of Representatives, February 24, 2015

**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, Commerce, Research and Economic Development suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative LOCKMAN of Amherst.  
Cosponsored by Senator BRAKEY of Androscoggin and  
Representatives: O'CONNOR of Berwick, REED of Carmel, SAWICKI of Auburn, SIROCKI of Scarborough, STETKIS of Canaan, WARD of Dedham, Senators: BURNS of Washington, WILLETTE of Aroostook.

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 §1023, sub-§2**, as enacted by PL 2007, c. 415, §10, 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 §1283, sub-§2**, as enacted by PL 2007, c. 415, §15, 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 c. 43** is enacted to read:

33 **CHAPTER 43**  
34 **RIGHT TO REFRAIN FROM JOINING A UNION**

35 **§3501. Definitions**

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

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

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

9           **§3502. Right to refrain**

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

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

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

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

18           **§3503. Agreements in violation**

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

22           **§3504. Penalty**

23           A person who directly or indirectly violates any provision of this chapter commits a  
24 Class D crime.

25           **§3505. Injunctive relief**

26           A person injured as a result of another person's violation or threatened violation of a  
27 provision of this chapter is entitled to injunctive relief against the person violating or  
28 threatening to violate this chapter.

29           **§3506. Damages**

30           A person injured as a result of a violation or threatened violation of a provision of  
31 this chapter may recover all damages, including court costs and reasonable attorney's  
32 fees, resulting from the violation or threatened violation. A recovery of damages under  
33 this section is independent of and in addition to the penalty provided in section 3504.

