

131st MAINE LEGISLATURE

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S.P. 653

In Senate, April 12, 2023

An Act to Ensure the Right to Work Without Payment of Dues or Fees to a Labor Union

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

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DAREK M. GRANT Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin. Cosponsored by Representative QUINT of Hodgdon and Senators: HARRINGTON of York, LIBBY of Cumberland, MOORE of Washington, STEWART of Aroostook, Representatives: DRINKWATER of Milford, FAULKINGHAM of Winter Harbor, LIBBY of Auburn, SAMPSON of Alfred.

- 1 Be it enacted by the People of the State of Maine as follows:
- Sec. 1. 26 MRSA §963, sub-§2, as enacted by PL 2007, c. 415, §2, is amended to 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 bargaining, except that an employee may be required to pay to the organization that is the 6 bargaining agent for the employee a service fee that represents the employee's pro rata share 7 8 of those expenditures that are germane to the organization's representational activities and 9 refrain from paying any dues, fees, assessments or other similar charges, however denominated, of any kind or amount to a labor organization or to a 3rd party or charity in 10 lieu of payment to a labor organization. 11

Sec. 2. 26 MRSA §979-B, sub-§2, as enacted by PL 2007, c. 415, §6, is amended to read:

14 2. Not join a union and not pay union dues. Refrain from joining or participating in the activities of organizations for the purposes of representation and collective 15 16 bargaining, except that an employee may be required to pay to the organization that is the bargaining agent for the employee a service fee that represents the employee's pro rata share 17 of those expenditures that are germane to the organization's representational activities and 18 19 refrain from paying any dues, fees, assessments or other similar charges, however denominated, of any kind or amount to a labor organization or to a 3rd party or charity in 20 21 lieu of payment to a labor organization.

Sec. 3. 26 MRSA §1023, sub-§2, as enacted by PL 2007, c. 415, §10, is amended 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 share 28 of those expenditures that are germane to the organization's representational activities and 29 refrain from paying any dues, fees, assessments or other similar charges, however 30 denominated, of any kind or amount to a labor organization or to a 3rd party or charity in 31 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 bargaining, except that an employee may be required to pay to the organization that is the 36 bargaining agent for the employee a service fee that represents the employee's pro rata share 37 of those expenditures that are germane to the organization's representational activities and 38 39 refrain from paying any dues, fees, assessments or other similar charges, however denominated, of any kind or amount to a labor organization or to a 3rd party or charity in 40 lieu of payment to a labor organization. 41

42 Sec. 5. 26 MRSA c. 51 is enacted to read:

1	<u>CHAPTER 51</u>
2	RIGHT TO REFRAIN FROM JOINING UNION
3	§3901. Definitions
4 5	As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.
6 7 8	1. Employer. "Employer" means a person, firm, association, corporation, public employer, public school employer, public college, public university, public institution or public education agency.
9 10 11 12 13	2. Labor organization. "Labor organization" means an organization, agency or employee representation committee or union that exists for the purpose, in whole or in part, of negotiating or bargaining with employers on behalf of employees concerning wages, rates of pay, hours of work, other conditions of employment or other forms of compensation.
14	§3902. Right to refrain
15 16	Notwithstanding any law to the contrary, a person may not be required, as a condition of employment or continuation of employment, to:
17	1. Member. Become or remain a member of a labor organization;
18 19	2. Dues. Pay any dues, fees, assessments or other similar charges, however denominated, of any kind or amount to a labor organization; or
20 21 22	3. Payment to 3rd party. Pay to a charity or other 3rd party, in lieu of payments specified in subsection 2, any amount equivalent to or a pro rata portion of dues, fees, assessments or other charges required of members of a labor organization.
23	§3903. Agreements in violation
24 25 26	An agreement, understanding or practice, written or oral, implied or expressed, between a labor organization and an employer that violates a provision of this chapter is unlawful, void and of no legal effect.
27	<u>§3904. Penalty</u>
28 29	A person who directly or indirectly violates a provision of this chapter commits a Class <u>D crime</u> .
30	§3905. Injunctive relief
31 32 33	A person injured as a result of another person's violation or threatened violation of a provision of this chapter is entitled to injunctive relief against the person violating or threatening to violate this chapter.
34	§3906. Damages
35 36 37 38	A person injured as a result of a violation or threatened violation of a provision of this chapter may recover all damages, including court costs and reasonable attorney's fees, resulting from the violation or threatened violation. A recovery of damages under this section is independent of and in addition to the penalty provided in section 3904.

1	§3907. Duty to investigate and enforce
2 3 4	<u>The Attorney General shall investigate complaints of a violation or threatened violation</u> of this chapter and shall prosecute any person violating any of its provisions. The Attorney <u>General shall use all means available to ensure effective enforcement of this chapter.</u>
5	§3908. Jurisdiction
6 7	The Superior Court has jurisdiction to hear and decide prosecutions of all offenses under this chapter.
8	§3909. Exceptions
9	This chapter does not apply to the following:
10 11	1. Federal Railway Labor Act. Employers and employees covered by the federal Railway Labor Act, 45 United States Code, Chapter 8;
12	2. Federal employers and employees. Federal employers and employees;
13	3. Federal enclaves. Employers and employees on federal enclaves; or
14 15	<u>4. Federal preemption or conflict.</u> Federal law when the provisions of this chapter conflict with or are otherwise preempted by that federal law.
16	SUMMARY
17 18 19 20 21 22	This bill prohibits a person, either in the public or private sector, from being required to join a labor organization or pay any labor organization dues or fees as a condition of employment or continuation of employment, notwithstanding any state law to the contrary. A violation is a Class D crime and is also subject to civil damages and injunctive relief. The Attorney General is responsible for enforcement and is required to prosecute all violations.