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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

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

Amend the bill by striking out all of section 1 and inserting the following:

Sec. 1. 26 MRSA §1304, first ¶, as repealed and replaced by PL 1967, c. 403, is repealed and the following enacted in its place:

As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

Sec. 2. 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.'

Amend the bill in section 3 in §1316 by striking out all of subsection 1 (page 1, lines 14 to 27 in L.D.) and inserting the following:

1. Contract documents. A public authority may not impose, as a condition of awarding a bid under this chapter, the following:

A. Requiring an interested party to enter into or comply with an agreement with a labor organization on the same or a related public works project;

B. Discriminating against an interested party for refusing to enter into, remain a signatory to or comply with an agreement with a labor organization on the same or a related public works project; or

C. Requiring an interested party to enter into or comply with an agreement that requires an employee of the interested party, as a condition of employment, to:

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

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

COMMITTEE AMENDMENT

1 Amend the bill in section 3 in §1316 in subsection 3 in paragraph B in subparagraph
2 (3) in the first line (page 2, line 8 in L.D.) by striking out the following: "requested by the
3 interested party" and inserting the following: 'as determined by the court'

4 **SUMMARY**

5 This amendment, which is the majority report of the committee, specifies that a
6 public authority may not impose as a condition of awarding a bid a requirement on an
7 employer to enter into or comply with certain agreements with labor organizations. The
8 amendment removes an employee of a bidder, contractor or subcontractor for a public
9 works contract and a taxpayer from the definition of "interested party," which describes
10 those who have standing to bring action to challenge the awarding of a public works
11 contract for violating these provisions. It clarifies that the court determines other
12 appropriate relief to be awarded in an action rather than stating that an interested party
13 that prevails in an action is entitled to any other appropriate relief requested by that party.

14 **FISCAL NOTE REQUIRED**

15 **(See attached)**