

Referendum Questions
Submitted To
Vote Of The People
(Local Option)

also

Two Amendments to the Constitution
Proposed by Chapter 37 and
Chapter 153 of the Resolves
Passed by the 93rd Legislature

and

A Direct Initiative and Competing
Measure
(The Barlow Bill and Tabb Bill)

STATE LEGISLATURE
AUGUSTA, MAINE



1948

To Be Voted Upon at the State Election,
Monday, September 13, 1948

governor and members of the legislature, and the governor and council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, the governor shall forthwith make known the fact by his proclamation, and the amendment shall thereupon as of the date of said proclamation become a part of the constitution.

Secretary of state shall prepare ballots. Resolved: That the secretary of state shall prepare and furnish to the several cities, towns and plantations, ballots and blank returns in conformity with the foregoing resolve accompanied by a copy thereof.

Approved May 13, 1947.

DIRECT INITIATIVE BILL

The following act was proposed to the Ninety-third Legislature by initiative petitions, signed in the aggregate by not less than 12,000 electors and filed in the office of the Secretary of State at least 30 days before the close of the regular session. This proposed act, not having been enacted by the legislature, is, by virtue of Section 18 of Article 31 of the Constitution referred to the people for acceptance or rejection at the State Election to be held September 13, 1948.

AN ACT to Protect the Right to Work and to Prohibit Secondary Boycotts, Sympathetic Strikes and Jurisdictional Strikes. (Barlow Bill)

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

Sec. 1. Public policy on right to work defined. It is hereby declared to be the public policy of the state of Maine that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization.

Sec. 2. Agreements or combinations in restraint of right to work declared illegal. Any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for said employer, or whereby membership in such union or organization is

made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy and an illegal combination or conspiracy.

Sec. 3. Conditioning employment on non-union membership prohibited. No person shall be required by an employer to abstain or refrain from membership in any labor union or labor organization as a condition of employment or continuation of employment.

Sec. 4. Conditioning employment on union membership prohibited. No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of employment by such employer.

Sec. 5. Conditioning employment on payment of union charges prohibited. No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to any labor union or labor organization.

Sec. 6. Secondary boycotts prohibited. No person, labor union or labor organization or member thereof or person acting on behalf of such union or organization shall by any means or methods whatsoever engage in a secondary boycott. The term "secondary boycott" shall include causing or threatening to cause and combining or conspiring to cause or threaten to cause, injury to a person not a party to the particular labor dispute, to aid which such boycott is initiated or continued, whether by (a) withholding patronage, labor, or other beneficial business intercourse; (b) picketing; (c) refusing to handle, install, use or work on particular materials, equipment or supplies, or (d) by any other means, in order to bring such person against his or its will into a concerted plan to coerce or inflict damage upon another or to compel the party with whom such labor dispute exists to comply with any particular demands.

Sec. 7. Sympathetic strikes prohibited. No employee, labor union or labor organization or member thereof or person acting on behalf of such union or

organization shall cause or, acting in concert or confederation with others, participate in a sympathetic strike. The term "sympathetic strike" shall include a strike, slowdown or stoppage of work for the purpose of aiding others than the participants in said sympathetic strike in the course of a dispute which has no direct relation to the participant's own rates of pay, wages, hours of employment or other conditions of employment.

Sec. 8. Jurisdictional strikes prohibited. No labor union or labor organization or member thereof or person acting on behalf of such union or organization shall cause or, acting in concert or confederation with others, participate in a jurisdictional strike. The term "jurisdictional strike" shall include any strike, slowdown or stoppage of work because of any dispute, grievance or disagreement between or within labor unions or labor organizations.

Sec. 9. Boycotting; picketing upon agricultural premises. No person shall picket upon or about any farm, processing plant or other premises where either produce is raised, or dairy products are produced, or bought, or sold, or boycott the movement to market, or sale of any agricultural commodity, or dairy products.

Sec. 10. Present contracts excepted. The provisions of sections 2, 3, 4 and 5 of this act shall not apply to any lawful contract in force on the effective date hereof but they shall apply in all respects to contracts entered into thereafter and to any renewal or extension of an existing contract.

Sec. 11. Penalties and remedies. Any person or persons entering into an agreement declared illegal by section 2 hereof or violating the provisions of sections 3, 4, 5, 6, 7, 8 and 9 of this act shall be guilty of a misdemeanor and punished by a fine of not more than \$1,000.

Any person who may be denied employment or be deprived of continuation of his employment in violation of sections 3, 4 or 5 of this act or of one or more of such sections, shall be entitled to recover from such employer and from any other person, firm, corporation or association acting in concert with him by appropriate action in the courts of this state such damages as he may have sustained by reason of such denial or deprivation of employment.

Sec. 12. Separability of provisions of act. If any one or more sections, clauses, sentences or parts of this act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions to be held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause or provision of this act in any one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

COMPETING MEASURE

The 93rd Legislature passed the so-called Tabb Bill which dealt in part with the same subject matter as the Barlow Bill which was initiated. The Tabb Bill has been declared by the Supreme Judicial Court to be a substitute measure which, under the Constitution, must be placed before the people for their acceptance or rejection.

AN ACT Protecting the Right of Members and Non-members of Labor Organizations to the Opportunity to Work. (Tabb Bill)

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

R. S., c. 25, § 41-A, additional. Chapter 25 of the Revised Statutes is hereby amended by adding thereto a new section, to be number 41-A, to read as follows:

'Sec. 41-A. Members and non-members of labor organizations, right to work; penalty. No person shall be denied the opportunity to obtain employment because of membership or non-membership in a labor organization, nor shall the state or any subdivision thereof, or any corporation, individual or association of any kind, enter into any agreement, written or oral, which excludes any person from the right to obtain employment because of membership or non-membership in a labor organization.

Nothing in this section shall be construed to prohibit the making or maintaining of union shop contracts, so called.

Any individual, association or corporation who violates the provisions of this section shall be punished by a fine of not more than \$1,000.'

HAROLD I. GOSS,
Secretary of State