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Date: (Filing No. S- )

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**STATE OF MAINE**  
**SENATE**  
**125TH LEGISLATURE**  
**FIRST REGULAR SESSION**

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

Amend the amendment by striking out everything after the title and before the summary and inserting the following:

'Amend the bill by striking out everything after the enacting clause and before the summary 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**Sec. 1. 26 MRSA §1304, first ¶**, as repealed and replaced by PL 1967, c. 403, is repealed and the following enacted in its place: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 chapter, 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.

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

**§1316. Public works contract requirements**

This section applies to public works contracts entered into by the Department of Transportation, the Department of Administrative and Financial Services, Bureau of General Services and the Maine Turnpike Authority for the construction, repair or improvement of roads, highways, bridges, streets or alleys or entered into, awarded or renewed by a public authority from October 1, 2011 to October 1, 2015.

**1. Contract documents.** The Department of Transportation, the Department of Administrative and Financial Services, Bureau of General Services and the Maine Turnpike Authority, as a condition of awarding a bid under this chapter, may not:

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

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1 B. Discriminate against a bidder, contractor or subcontractor that becomes, refuses to  
2 enter into or remains a signatory to or complies with an agreement with a labor  
3 organization on the same or a related public works project;

4 C. Require a bidder, contractor or subcontractor to enter into or comply with or  
5 prohibit a bidder, contractor or subcontractor from entering into or complying with an  
6 agreement that requires an employee of the bidder, contractor or subcontractor, as a  
7 condition of employment, to:

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

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

12 This section does not prohibit a contractor or subcontractor from voluntarily entering into  
13 an agreement described in paragraphs A and C.

14 The Commissioner of Transportation, the Director of the Bureau of General Services  
15 within the Department of Administrative and Financial Services and the Executive  
16 Director of the Maine Turnpike Authority may exempt a particular project, contract,  
17 subcontract, grant or cooperative agreement from the requirements of the provisions of  
18 paragraph A, B or C, if the agency head finds that special circumstances require an  
19 exemption and it is in the best economic interest of the project.

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

26 **3. Compliance.** In the event that a public authority, bidder, contractor or  
27 subcontractor performs in a manner contrary to the provisions of subsection 1, the head of  
28 the public authority or the designee of the head of the public authority shall take such  
29 action consistent with law and rule as the agency determines appropriate.'

30 **SUMMARY**

31 This amendment incorporates the changes made by Senate Amendment "B" to  
32 Committee Amendment "A" and corrects a clerical error regarding the scope of  
33 application of a definition section.

34 **SPONSORED BY:** \_\_\_\_\_

35 **(Senator THOMAS)**

36 **COUNTY: Somerset**