

Approved May 24, 1973.

CHAPTER 731

(Senate Bill 994)

AN ACT to repeal and re-enact, with amendments, Section 138A of Article 27 of the Annotated Code of Maryland (1971 Replacement Volume), title "Crimes and Punishments," subtitle "Employment Benefits," to provide that it shall be unlawful for an employer or union official to fail to make payment of union dues deducted from employees' pay, to provide a fixed period of time within which payments constituting employee benefits and union dues are to be made [by employers], to increase the penalty for violations of this section, to remove references to union officials, and relating generally to employee benefits and union dues payments.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 138A of Article 27 of the Annotated Code of Maryland (1971 Replacement Volume), title "Crimes and Punishments," subtitle "Employment Benefits," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

138A.

[No] EVERY employer [] or union official [] who has agreed with any employee to make payments to a health or welfare fund, pension fund or vacation plan, or other such plan OR FUND for the benefit of the employees, or has entered into a collective bargaining agreement providing for such payments, [shall with intent to defraud fail to make the payments required by the terms of such agreement.] AND EVERY EMPLOYER WHO BY COLLECTIVE BARGAINING AGREEMENT DEDUCTS UNION DUES FROM EMPLOYEES' PAY AND PAYS THOSE DUES TO THE UNION, MUST MAKE SUCH PAYMENTS WITHIN THIRTY (30) DAYS AFTER SUCH PAYMENTS ARE REQUIRED TO BE MADE TO THE UNION IN THE CASE OF DUES OR TO A TRUST OR POOLED FUND IN THE CASE OF EMPLOYEE BENEFITS. Any employer [] or union official [] who [violates this section] KNOWINGLY OR INTENTIONALLY FAILS OR REFUSES TO MAKE ANY SUCH PAYMENTS shall be guilty of a misdemeanor and [subject to], UPON CONVICTION THEREOF, SHALL BE PUNISHED BY a fine of not more than \$1,000. OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISONMENT. WHERE SUCH EMPLOYER IS A CORPORATION, THE PRESIDENT, SECRETARY, TREASURER OR OFFICERS EXERCISING [CORRESPONDING] EXECUTIVE FUNCTIONS SHALL EACH BE GUILTY OF A MISDEMEANOR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 24, 1973.
