

**The Maine Heritage Policy Center
Testimony to Oppose LD 1959
“An Act To Include within the Definition of ‘Public
Employee’ Those Who Have Been Employed Less
than 6 Months”**

Senator Bellows, Representative Sylvester and distinguished members of the Committee on Labor and Housing, my name is Adam Crepeau. I serve as a policy analyst at The Maine Heritage Policy Center. Thank you for the opportunity to testify in opposition to LD 1959.

According to Article IV, Part Third, Section 1 of the Maine State Constitution, the Second Session of the legislature shall be limited to budgetary matters, legislation called by the governor, legislation of an emergency nature submitted by the legislature, legislation referred to committees for study and report in the First Session and direct initiatives. The Constitution defines emergency bills as those that are “immediately necessary for the preservation of the public peace, health or safety.” While LD 1959 is labelled as an emergency bill, it fails to address a real emergency to preserve the public peace, health and safety.

Aside from this bill not being a real emergency, The Maine Heritage Policy Center is opposed to this legislation because it removes the requirement for workers to be employed for six months before they are considered public employees. This legislation would allow these new public employees to be covered under collective bargaining agreements negotiated between the state’s public employers and labor organizations upon the renewal of the agreements.

As a result, labor organizations would be able to immediately collect dues from their members’ paychecks. The current Maine State Employees Association agreement stipulates that:

“New employees eligible upon completion of six (6) months service for coverage by this Agreement may also have such payroll deduction during their initial six (6) month period.”¹

LD 1959 would essentially provide public sector unions another avenue to bolster their annual revenue without giving potential members the opportunity to weigh the pros and cons of paying dues and becoming a member. As outlined above, public employees currently have six months and an additional 30 days to decide whether they want to become dues-paying members of their

¹<https://www.maine.gov/oer/contracts/msea/ADMIN%202017-2019%20AriaI%20FINAL%2009-17-2018.pdf>

union. Moreover, those same employees can decide to pay dues for the first six months of their employment if they were impressed by the union — LD 1959 would likely make this a requirement to become a dues-paying member.

Despite the changes outlined in this legislation, public employees would still be restricted to when they can opt-out of their union — for state employees, that timeframe is May 1st through May 31st of each year.² In other words, new public employees would only be given 30 days to decide whether they want to become a dues-paying member but would have almost no opportunity to opt-out if they decide they do not like their union. This is an unfair arrangement for newly-hired public employees.

For those reasons, The Maine Heritage Policy Center urges the committee to vote, “Ought Not to Pass” on LD 1959. Thank you.

²<https://www.maine.gov/oer/contracts/msea/ADMIN%202017-2019%20Aria%20FINAL%2009-17-2018.pdf>