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TESTIMONY NEITHER FOR NOR AGAINST L.D. 2032

“An Act to Improve Maine’s Labor Laws by Changing the Laws Governing Elections of Collective Bargaining Agents for Certain Public Employees”

**Neil P. Daly, Executive Director
Maine Labor Relations Board
January 16, 2023**

Senator Tipping, Representative Roeder, and members of the Joint Standing Committee on Labor and Housing, my name is Neil Daly, and it is my privilege to serve as the Executive Director of the Maine Labor Relations Board (MLRB).

This testimony is neither for nor against L.D. 2032 but will review my understanding of the proposed changes set forth through the bill.

Historically, under Maine’s four public sector labor relations laws, a labor organization was certified as the designated bargaining agent of a group of employees, known as a bargaining unit, through either an employer’s voluntary recognition or, absent voluntary recognition, through an election based on the majority of ballots cast.

In 2019, the Legislature enacted a law which provides municipal, school, and county employees an alternative method to obtaining union representation apart from voluntary recognition or an election. This process, titled as majority sign-up, but often referred to as “card check”, permits a labor organization to file with the MLRB a petition to represent a group of employees currently unrepresented by another union. With the petition, the labor organization provides the MLRB the cards signed by employees authorizing that union to serve as their bargaining agent. If the MLRB’s Executive Director determines a majority of the employees in the proposed bargaining unit authorized the union to serve as their bargaining agent, the MLRB certifies the union as the bargaining agent for those employees. If the petitioner lacks a majority, but provides authorization cards from at least 30% of the unit, the MLRB conducts an election.

In terms of process, the MLRB enacted rules for majority sign-up petitions which, like election petitions, provides a public employer the opportunity to respond to the petition, including the right to object to the proposed unit, with the potential for a hearing to adjudicate those objections. The rules also require the distribution of a notice to employees which informs the employees of the petition and indicates the petitioner will be certified as the employees’ bargaining agent absent objection. Since 2019, the vast majority of majority sign-up petitions have been processed without incident, typically in a little over two weeks.

A review of L.D. 2032 indicates it will provide the other categories of Maine's public sector employees who were not included in the 2019 majority sign-up law with the ability to file majority sign-up petitions for currently unrepresented employees. If enacted, L.D. 2032 will presumably be administered under the MLRB's existing majority sign-up procedures and is unlikely to have a substantive adverse impact on MLRB operations.

Thank you for this opportunity to discuss L.D. 2032.