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Senator, District 22

THE MAINE SENATE
131st Legislature

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Augusta, Maine 04333

Testimony of Senator James D. Libby

Sponsor of LD 1663

“An Act to Add Political Affiliation as a Protected Class to the Maine Human Rights Act.”

Public Hearing, Tuesday, April 25, 2023

Senator Carney, Representative Moonen, and esteemed members of the Joint Standing Committee on Judiciary,

My name is Jim Libby, and I am a State Senator representing Senate District # 22, comprised of the towns of Naples, Sebago, Baldwin, and Standish in Cumberland County; Hiram and Porter in Oxford County; and, Limington, Limerick, Cornish, Parsonsfield, Newfield, Acton, and Shapleigh, in the County of York.

It is my honor to bring to your attention the contents of *LD 1663* “An Act to Add Political Affiliation as a Protected Class to the Maine Human Rights Act.”

As you know, a protected class is a group of people intended by a legislature to benefit from the protection of a statute. Thanks to federal civil rights law, discrimination is prohibited on the basis of race, sex, religion, national origin, and so forth.

States have gone further in the development of protections in labor function. According to Nolo.com, “discrimination based on politics happens when an employer makes job decisions because of an employee's political beliefs, party affiliation, or civic activities. An employer that, for example, refuses to hire applicants who vote [Democrat or] Republican, fires anyone who supports [or opposes] gun control, or demotes someone who runs for the local school board is engaged in political discrimination.”

Did you know that states like over 60 million people already enjoy this right that I bring for your consideration today? States like California and New York have added *political affiliation* to their protected class groups.

Sixty million plus. Where are we in Maine on this issue? The answer is, nowhere. Keep in mind that when companies in Maine train employees on discrimination, political activity is included in the training, but the training ends up making excuses for the states who have not adopted political discrimination into their statutes. That is too bad for Maine.

The fact is that adding this protection is 100% non-partisan. People on both sides of the aisle in other states welcome this protection. These citizens do not need to fear being fired.

An exception is created for a situation in which a job description specifies that part of a job includes partisan activity. That is perfectly fine. The idea is along the same lines as a job description that requires the ability to lift a certain amount of weight.

We are late in the legislative session. This Committee has been diligent in listening to hours of testimony. I am not going to do that to you. What I will say is this...and I don't do this often. I guarantee that this protection will be added to Maine civil rights law someday soon. If not you, if not today, someday soon. Society has changed. We need to protect workers from these kinds of actions - firings that bend and break civility, even morality. I am not talking about Don Lemon. I am not talking about Tucker Carlson. These people can accept a job description with an exception that subjects them to scrutiny due to the nature of their jobs. I am talking about your constituents back home who today fear that speaking up on issues will cost them their jobs.

Please give this bill your strongest consideration. It is an issue that will come back again and again, until we fully embrace it.

Thank you for your consideration of this legislation.