

Testimony of Beth White
Maine Service Employees Association, SEIU Local 1989
Before the Joint Standing Committee on Judiciary
1pm Wednesday, March 19, 2025, State House Room 438 and Electronically

**LD 1101, An Act to Address the Limited Availability of Counsel in Courts to Represent
Indignant Parties in Matters Affecting Their Fundamental Rights**
Sponsored by Senator Anne Carney

Senator Carney, Representative Kuhn, and members of the Committee on Judiciary, I'm Beth White, Director of Politics and Legislation for the Maine Service Employees Association, Local 1989 of the Service Employees International Union. We are a labor union representing over 13,000 Maine workers, including Public Defenders and Employed Counsel.

We are neither for nor against the original version of LD 1101 and did not plan to weigh in on the legislation until we read the Governor's proposed amendment late last night. We are in **strong opposition** to the Governor's proposed amendment for numerous reasons and ask members of this committee to reject it entirely.

First, the Governor's proposed amendment would add language to 4 MRS §1802-A and 5 MRS §959 that appears to remove public defenders and employed counsel from the collective bargaining unit and make them at-will, confidential employees, serving at the pleasure of the Executive Director. They would no longer have union rights or representation, like many of their colleagues across the United States, or the ability to bargain over wages and benefits.

In 2023, the Legislature established the Commission on Public Defense Services and determined that only the Executive Director holds a "major-policymaking position." We do not believe the administrative is justified in claiming now, just two years later, that the public defenders and employed counsel are involved in "major-policymaking" as defined under the law, and they have not provided the Legislature with the necessary information to remove them from the bargaining unit.

Accordingly, MSEA strongly opposes their removal from this unit and strongly opposes any efforts to statutorily remove their collective bargaining rights. That decision should fall within the purview of the Maine Labor Relations Board - not the legislature.

As I mentioned, there are many examples across the country of public defenders and employed counsel being included within collective bargaining units, so we feel there is no basis for this unnecessary carveout, other than robbing these workers of the rights they currently have. How will removing the rights of public defenders to collectively bargain help with the challenges the office is currently facing?

Overall, we echo the concerns of our members who spoke before you during the public hearing. We have a lot of questions about the Governor's proposed amendment and are unsure what the intent is, or how it would help with the situation at hand, except to limit the rights of our hardworking public defenders and employed counsel, and create unnecessary barriers to them completing their jobs. If anything, it would make becoming a public defender less desirable, it would likely lead to lower wages and fewer benefits, and it could undermine all of the progress made in recent years to address the backlogs.

Thank you for your consideration. I would be happy to answer any questions and can be available for the work session as well.