



MAINE AFL-CIO

A Union of Unions Standing for Maine Workers
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Testimony of Adam Goode, Maine AFL-CIO Legislative & Political Director, In Opposition to LD 1660, “An Act Related to Public Access of Records of Certain Disciplinary Actions of Public Employees”

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary, my name is Adam Goode. I'm the Legislative and Political Director of the Maine AFL-CIO. We represent 40,000 working people in the state of Maine. We work to improve the lives and working conditions of our members and all working people. We testify in opposition to LD 1660.

We are in strong opposition to the bill before you, which proposes to create a private right of action against government employers for constitutional violations committed by their employees.

While our primary concern is how this change would impact public sector workers, we must first acknowledge that this bill would result in litigation that would disrupt the smooth functioning of government. Government agencies would be forced to hire more lawyers, dedicate resources to defending these lawsuits, and take time away from essential services. This ultimately harms the public, as government operations would become more inefficient and less effective.

The threat of lawsuits would create a chilling effect on government workers, who would be reluctant to exercise their discretion or take action, fearing they might be sued for their decisions. This would stifle the rights of workers and make it more difficult for the government to respond effectively to complex challenges. The last thing public sector workers need is a hostile work environment, and this law could be used to harass workers, even when they have acted in accordance with the law and their duty. Public sector workplaces, especially the State of Maine, are already dealing with abysmal staffing and this would discourage qualified individuals from seeking public service.

There are also existing mechanisms for addressing constitutional violations by government employees that are adequate. Internal review processes, internal investigations, and individual lawsuits against the offending employee are all current options for holding government officials accountable. The current system already allows for civil fines, suspensions, and even criminal charges, when necessary. We would ask the committee to think about what boogeyman is out there that needs a more stringent level of legal accountability than what currently exists.

Finally, this change could easily lead to excessive and frivolous lawsuits against government entities. Every instance of alleged constitutional violation by a government employee, regardless of whether that worker acted in good faith, could lead to a lawsuit against their employer. This would divert valuable resources away from

public services, create a climate of fear and discourage government employees from performing their duties effectively.