



DATE: February 12, 2025

TO: Members of the Joint Standing Committee on Labor and Housing

FROM: James Durkin, Legislative Director

AFSCME Council 93

RE: Opposition to LD187 – An Act to Prohibit Labor Organizations from Imposing Mandatory Service Fees on Nonmembers

Mark Bernard
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On behalf of the more than 3,000 hard-working public service workers in Maine represented by AFSCME Council 93, I write to express our **strong opposition** to LD187 – An Act to Prohibit Labor Organizations from Imposing Mandatory Service Fees on Nonmembers.

As you are aware, a little over six years ago, the United States Supreme Court – in a 5-4 decision – expressly prohibited so called agency fees in the public-sector labor movement thereby instantaneously making Maine, and every other state in the nation, a Right-to-Work state for the public-sector labor movement.

But in reality, our union along with many other public-sector unions, had been operating in a right to work environment in our many states including Maine and New Hampshire for many years prior to that June 2018 decision. That’s because the agency fees that were banned by the court, had never been mandated. Rather, the fees were simply a permissible subject of collective bargaining negotiations, which required our union to negotiate the establishment of these fees in a collective bargaining agreement. At the time of the Janus Decision, AFSCME had these fees in just a handful of our many contracts with the public employers.

Yet, here we are again, with a house floor vote in New Hampshire slated for tomorrow (2/13/25) and a public hearing on LD 187, facing more efforts to bring anti-union attacks from other parts of this country to New England, which has long been a bastion of support for organized labor – especially now when public support for unions is at an all-time high.

It’s important to note that this legislation did not truly originate in this state – but rather, it was born in the offices of the National Right-to-Work Foundation, an organization well-funded by corporations and right-wing organizations, and headquartered more than 500 miles away in Virginia, where this legislation was drafted, and ultimately cut and pasted almost verbatim into the bill before you today.

Given that the requirement to provide free representation to workers who choose to take a free ride on the backs of their co-workers has been a reality for us for many years now, one may wonder why we still strongly oppose this bill. To begin with, believe in standing in solidarity with our brothers and sisters who primarily represent private sector workers, and we rely on them to support us when needed.

But most importantly, we know the dire consequences that have followed when states pass Right-to-Work laws. We know it invariably leads to reduced wages and benefits for workers and workplaces that become less safe.

In our opinion, the primary goal of such legislation and its deep-pocketed, corporate backers is, and has always been, simply to drain union funds and weaken unions' ability to provide their members with decent wages, benefits, and safer working conditions.

That is the goal, despite the fact that proponents of this legislation know that when there isn't a strong union present to fight for workplace safety, more workers are likely to get hurt or even killed on the job. Moreover, when workers have less money in their paychecks, they are forced to increasingly rely on taxpayer-funded public assistance programs like food stamps and publicly-subsidized healthcare and childcare. They also have less money to spend in their local economies, leading to further negative economic impact. Therefore, while some businesses prosper from cutting wages and benefits, more suffer – especially smaller businesses – from the reduced buying power of workers.

In addition, according to the Economic Policy Institute, Right to Work laws are associated with lower wages and benefits for both union and nonunion workers. In Right to Work states, the average worker makes 3.1 percent less in hourly wages than the average worker with similar duties in non-Right to Work states.

Contrary to the mantra of proponents of such laws, Right-to-Work has not succeeded in boosting employment in states that have adopted them. In fact, Right to Work laws have no discernible impact on job growth.

Then of course, there's the question of fundamental fairness – one that has always been a part of this debate. In my nearly 22 years of work with AFSCME in four New England states, I've found that many legislators are cognizant of the fact that workers who choose (for whatever reason) NOT to support the union by paying dues, receive the same pay increases, paid leave time and other economic benefits included in the collective bargaining agreement secured by the union with the support of dues money voluntarily paid by members. But I've also found that very few are aware that Right-to-Work laws also require the union to provide free legal representation to non-dues paying workers who may have been suspended or fired, or who may believe they have simply been denied a benefit or protection included in the contract. Unions are legally bound to provide a vigorous defense of these workers, which can amount to thousands of dollars – especially if the case ends up in arbitration. We can't help but wonder how many members of this committee, and how many Maine lawmakers in total, may also be unaware of this fact and if they are unaware, how many have chosen to accept as undisputed truth all of the arguments put forward by the individuals who drafted this legislation and are counting on you to pass this legislation into law?

If this bill does become law, we believe you will not hear for quite some time from the people in Virginia who drafted the legislation – if ever again. But you will see the many faces of the Maine residents - your neighbors, friends and even family members who were hurt by it - and you'll see its negative impact in the communities in your districts, for many years to come.

As such, we respectfully request that you oppose LD187. Thank you for your consideration. Should you have any questions or would like to discuss our position in greater detail, please do not hesitate to contact me anytime day or night at 978-866-2283.

James Durkin
AFSCME Council 93
LD 187

Please consider the attached document as testimony in opposition to LD 187. Thank
you