



Testimony in Support of LD 187:

“An Act to Prohibit Labor Organizations from Imposing Mandatory Service Fees on Nonmembers”

Senator Tipping, Representative Roeder, and distinguished members of the Committee on Labor, my name is Harris Van Pate and I serve as policy analyst for Maine Policy Institute, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to testify in support of LD 187.

LD 187 would remove language in Maine law that unconstitutionally tells public employees who choose not to be a member of their workplace union that they can be required to pay a portion of dues used for “representational activities,” also known as agency fees, to that union.

This bill is simple: it would bring Maine law into compliance with current Supreme Court precedent.

Since the ruling in *Janus v. AFSCME* in June 2018, public workers cannot be required to financially support their workplace union as a condition of employment. This decision specifically struck down agency fees, which were previously allowed under the high court’s decision in *Abood v. Detroit Board of Education* in 1977. Specifically, the *Janus* ruling states:

“The First Amendment is violated when money is taken from nonconsenting employees for a public-sector union; employees must choose to support the union before anything is taken from them. Accordingly, neither an agency fee nor any other form of payment to a public-sector union may be deducted from an employee, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay.”

Maine law currently conflicts with this ruling by stating that public employees in Maine “may be” required to pay agency fees to a union. To be clear, under no circumstances can a public employee in this state, or any state, be compelled to pay any dues, fees or other charges to a union without affirmatively consenting to pay.

This bill should be a quick, easy and painless fix. Maine law is not in compliance with the *Janus* decision, and public employees in Maine deserve to know that they cannot be legally required to support an organization of which they do not want to become a

member. Maine law cannot circumvent federal law, but those who do not follow Supreme Court rulings may not be aware of the current statute's unconstitutionality.

Please deem LD 187 "Ought To Pass" to remove this blatant conflict between Maine law and prevailing Supreme Court precedent, and to affirm the First Amendment rights of public-sector workers to choose not to be involved with the union in their workplace. Thank you for your time and consideration.