

Testimony of Beth White
Maine Service Employees Association, SEIU Local 1989
Before the Joint Standing Committee on Labor and Housing
10 am Wednesday, Feb. 12, 2025,
Cross Office Room 202 and Electronically

In Opposition to LD 187

Senator Tipping, Representative Roeder, members of the Committee on Labor, I'm Beth White, director of politics and legislation for the Maine Service Employees Association, Local 1989 of the Service Employees International Union. The Maine Service Employees Association represents over 13,000 workers across the state.

We are here to oppose LD 187. Similar anti-worker bills have been introduced frequently over the years. They have been repeatedly rejected in bipartisan votes at our urging. Now more than ever, workers need more rights, not fewer. Attached is past testimony on similar anti-worker bills. Please oppose LD 187.

When it comes to contract negotiations, grievances, arbitration and so on, unions are required by federal law to represent all workers equally and fairly in the bargaining unit, regardless of whether they are union members and regardless of whether they pay dues. Unions are legally required to represent all workers in a bargaining unit equally, even if they are not members. Unions can be sued if they don't follow the duty of fair representation.

What is a so-called "right to work" law?

So-called "right to work" laws weaken the best job-security protections workers have – the union contract. Despite its misleading name, this type of law does not guarantee anyone a job and it does not protect against unfair firing.

The National Right to Work Committee was formed in the early 1970s by a group of Southern businessmen with the express purpose of fighting unions. Their efforts began with the addition of a few workers for the purpose of public relations and have been supported by groups like the American Legislative Exchange Council (ALEC) and the Koch Brothers. So-called "Right to work" bills are here for one reason only – to diminish the power of the labor movement. Since the Supreme Court's decision in Citizens United, corporations have had the luxury of spending hundreds of millions of dollars to influence elections and policy. This spending is focused on policies that limit the power of working families.

Thank you.

Testimony of Jeff McCabe
Maine Service Employees Association, SEIU Local 1989

Before the Joint Standing Committee on Labor and Housing

In Opposition to LD 1636, An Act to Ensure the Right to Work Without Payment of Dues or Fees to a
Labor Union

In Opposition to LD 1707, An Act to Allow Workers to Work Without Having to Pay Labor Organization
Service Fees

May 2, 2023,
Cross Office Room 202 and Electronically

Senator Tipping, Representative Roeder, members of the Committee on Labor and Housing, I'm Jeff McCabe, Director of Politics and Legislation for the Maine Service Employees Association, Local 1989 of the Service Employees International Union. The Maine Service Employees Association represents over 13,000 workers across the state.

We are here to oppose LDs 1636 and 1707. Similar anti-worker bills have been introduced frequently over the years. They have been repeatedly rejected in bipartisan votes at our urging. Now more than ever, workers need more rights, not fewer. Attached is past testimony on similar anti-worker bills. Please oppose LDs 1636 and 1707.

When it comes to contract negotiations, grievances, arbitration and so on, unions are required by federal law to represent all workers equally and fairly in the bargaining unit, regardless of whether they are union members and regardless of whether they pay dues. Unions are legally required to represent all workers in a bargaining unit equally, even if they are not members. Unions can be sued if they don't follow the duty of fair representation.

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Thank you.

TESTIMONY OF ROBERT RUHLIN

MEMBER, MSEA-SEIU LOCAL 1989

BEFORE THE JOINT STANDING COMMITTEE ON

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

MAY 8, 2017

9:00 AM CROSS OFFICE BUILDING ROOM 208

**IN OPPOSITION TO LD 65, THE-SO CALLED “AN ACT TO ENSURE THE RIGHT TO
WORK WITHOUT PAYMENT OF DUES OR FEES TO A LABOR UNION AS A
CONDITION OF EMPLOYMENT”**

My name is Robert Ruhlin and I’m from Hudson, Maine. I am a lifelong Republican and retired state transportation worker, and I submitting written testimony in opposition to LD 65.

I joined state service in 1965 and retired in 2003 with almost 39 years of service with the Department of Transportation, working for 13 plus years as a draftsman for Highway and Bridge Projects and for 25 plus years in the state’s Concrete and Structural Testing Lab in Bangor. I was in state service prior to the passage of Maine’s collective bargaining laws in 1974, and I vividly remember how issues were handled – or maybe I should say not handled – back then. We had no consistency on crucial everyday issues such as workplace safety between agencies for example. In many cases, we had no consistency from workplace to workplace even within the same agency.

When Maine’s collective bargaining law passed back in 1974, the Maine Labor Relations Board held an election to see which organizations the employees wanted to represent them. Everyone who wanted to vote voted. We got to choose from a list of organizations or no representation at all, and a majority of workers voted to unite together for a strong voice at work through a union. Maine’s then new law also provided that any organization elected by a majority of workers had to represent every member of the bargaining unit -- whether they had voted in favor of the union or not.

Over the 39 years since then, we’ve proven that collective bargaining benefits everyone involved – including the state, the state employees, and the public they serve every day.

I know the process well because I was elected by my co-workers and represented them on the Professional/Technical Bargaining team every year from 1982 to 2003.

Regardless of whether a worker joins the union at their workplace – and let me emphasize that no one is forced to do so in Maine -- every worker in that bargaining unit benefits from the wages, benefits and working conditions negotiated in their contract. It is only fair that everyone who benefits shares in the costs.

Let me close with a quote from former President Teddy Roosevelt, who said it best: “Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere.”

**TESTIMONY OF TOM FEELEY, GENERAL COUNSEL,
MAINE STATE EMPLOYEES ASSOCIATION, SEIU LOCAL 1989
BEFORE THE JOINT STANDING COMMITTEE ON LABOR, COMMERCE, RESEARCH
AND ECONOMIC DEVELOPMENT
9 AM MAY 8, 2017 COB ROOM 208
IN OPPOSITION TO LDs 65, 66 AND 1553**

Senator Volk, Representative Fecteau, members of the Labor, Commerce, Research and Economic Development Committee: My name is Tom Feeley, and I am privileged to serve as General Counsel to the Maine State Employees Association, Local 1989 of the Service Employees International Union. We are a labor union representing over 13,000 public sector and publicly funded workers statewide.

I submit this testimony on behalf of MSEA in opposition to LDs 65, 66 and LD 1553. In the interest of time, I will focus my testimony on LD 65.

Labor unions are fundamentally democratic institutions. Bargaining units vote, by majority rule and in government-supervised elections, on whether to choose a labor union as its collective bargaining representative. Given the fact of majority rule, we recognize that some employees will be represented by a union they do not support. However, individual employees within a unionized workplace still have the choice whether to refrain from becoming members of the union.

Under State and Federal law, the certified bargaining representative is required to represent both members and non-members alike, both at the bargaining table and in the contractual grievance and arbitration process. Because of this duty, the Supreme Court has held that non-members in states with collective bargaining may be required to pay for the representational services they receive. The Supreme Court also held that non-members cannot be compelled to support the political activities of a union they do not support. Thus, unions are required to keep strict accounting of their expenditures and to ensure they only charge non-members for the cost of representation.

LD 65 would prohibit unions and employers from negotiating over whether employees covered by a collective bargaining agreement should pay their pro-rata share of the cost of representation. Thus, non-members would be able receive the benefit of union membership, including legal representation, without paying the costs associated with representation. This is freeloading, plain and simple.

LDs 65, 66 and 1553 are fundamentally undemocratic. As I mentioned before, a union is only certified if it has the support of a majority of employees. By allowing employees to opt out of paying for the cost of representation, LDs 65 and 66 seek to undermine the democratic process. Just as a union with minority support cannot force the employer to the bargaining table, nonmembers should not be able to opt out of paying for the representational services they receive. Also, by mandating recertification elections, LD 1553 would put onerous and unnecessary restrictions on unions.

It is the longstanding public policy of this State to recognize the inherent value of collective bargaining. I direct your attention to 26 M.R.S.A. § 979, which sets forth the purpose behind the statute covering

employees in the Executive and Legislative Branches of Maine's state government. I quote: "It is the declared public policy of this State and it is the purpose of this chapter to promote the improvement of the relationship between the State and its employees and between the Legislature and its employees by providing a uniform basis for recognizing the right of state or legislative employees to join a labor organization of their own choosing and to be represented by such organizations in collective bargaining for terms and conditions of employment."

As that statement of public policy reflects, labor unions and collective bargaining inure to the benefit of the State as a whole. Union-represented employees are members of the community and they are taxpayers. When these employees make gains at the bargaining table, these gains are multiplied throughout the State. When labor unions secure better wages, employees will be able to spend more money in their community. When labor unions bargain for set schedules, employees will be able to provide their families with a consistent presence at home. When labor unions bargain for employee healthcare and workplace safety, employees will remain more productive for longer than employees who lack a strong advocate. When labor unions fight for a strong pension system, retirees are able to enjoy the fruits of their labor and not be overly dependent on public assistance. And when public sector labor unions secure adequate staffing, the State is able to provide necessary services to its constituents.

Last but not least, collective bargaining provides stability and the orderly and cost-effective resolution of employment disputes through collective bargaining and arbitration, rather than picket lines and extensive litigation.

The sole aim of LDs 65, 66 and 1553 is to undermine the institutions representing employee interests by starving them of the financial resources necessary to serve as the employees' collective advocate. In doing so, LDs 65, 66 and 1553 undermine the benefit that labor unions provide to the State as a whole.

We ask that you vote against LDs 65, 66 and 1553.

Thank you and I would be glad to answer any questions.

May 8, 2017

To: Senator Volk, Representative Fecteau, and Members of the Labor, Commerce, Research, and Economic Development Committee

My name is Margaret (Peggy) Rice and I am a Maine State Retiree. I am writing to ask you to oppose LD 65, LD66, and LD1553.

Back in the day, I worked for the State of Maine before State employees had collective bargaining rights. I worked very hard for some of the most vulnerable citizens of the State as a Child Protective Worker. At times, this work put me and my family in potential jeopardy as I was threatened both physically and financially. I was dedicated to the work but about four years in to it, the 60/40 "Longley Lottery" was arbitrarily instituted and I was informed by my supervisor that he was only allowed to give merit raises to 60% of his workers. He did not think this was fair or right and that someone needed to fight it. He told me that I was one of the best workers in his unit but that I was also a fighter so I would be part of the 40% who would not get a raise that year. He was hoping I would fight it. Instead, I left State service and went to work in the private sector swearing that I would not return to State service until State employees had collective bargaining rights. I pro-actively worked to help organize State employees who did finally win collective bargaining rights. I then returned to State service as a Social Worker and Advocate for over 25 years.

Working for the State can be challenging enough at times and without the protection of a Union contract, workers will be less likely to stay. Why would they when each political upheaval could drastically change their working conditions? These three bills are obvious efforts to tie up union resources and financially cripple the ability of the State employee unions to effectively bargain and enforce the employees' contracts.

Please oppose LD65, LD66, and LD 1553. Thank you.

Statement to the Committee On Labor, Commerce, Research
and Economic Development in opposition to
LD's 65, 66 AND 1553

May 8, 2017

Senator Volk, Representative Fecteau, and members of the Committee On Labor, Commerce, Research and Economic Development, my name is Jim Betts. I'm a state retiree and Vietnam Era Veteran living in Winthrop. I urge you to oppose LD's 65, 66 and 1553.

When I prepared for testifying before the legislature for the first time years ago I was advised to prepare a calm and respectful statement, apparently that is to include when legislation is purposely written to hurt myself and thousands of other working people in this state. This time I will save this statement for the next biennial attempt to come in another two years.

These bills are simply an attempt to break or hinder the only strong voice we have as workers, our unions.

Feeble attempts to claim this is to help individuals being forced to join or contribute to a union are purely for spin purposes, I am sure ALEC appreciates the efforts though.

I am forced to pay state and federal taxes even though I disagree with how some of the monies are appropriated because it is my decision to accept these conditions to live in the State of Maine and our country. When an individual agrees to work for an employer it may include a condition of employment to wear an ugly and tacky uniform with a little hat, steel toed boots, be shaven, or when I enlisted in the U S Navy I knew I would be wearing a uniform and would no longer be subject to US Law, but instead to the Uniform Code of Military Justice. Every job includes conditions of employment, and a mere \$8-\$9 fee monthly for contract bargaining , disciplinary and grievance representation, lobbying to protect their jobs on the chopping block as we speak or to protect their health insurance is hardly a harsh condition when receiving important services in return.

I served in the US Navy, I worked non-union jobs, I worked union jobs and for 11 years owned my own business with up to 12 employees. Nothing compared to my union job.

To attempt to hinder or stop efforts for better working conditions, compensation, benefits and workplace fairness is simply wrong for your constituents.

Please oppose LD's 65, 66 and 1553.

James Betts, 74 High Street, Winthrop, Maine 04364

April 1, 2013

Senator Patrick, Representative Herbig and members of the Labor, Commerce, Research and Economic Development Committee: My name is Ginette Rivard, I am the President of the Maine State Employees Association – Service Employees International Union, Local 1989. I'm here to testify today in opposition to LD 786 because it upends our member's sovereign, democratic decision-making process and undermines our collective bargaining rights.

This year marks the 70th anniversary of the founding of the Maine State Employees Association. We formed in 1943 as a professional association that came together to build a community amongst thousands of workers who work all over the state in public service. Those founding fathers and mothers recognized that Maine's public employees needed to have a voice in Augusta. They pooled their resources to create an organization so they could educate decision makers on the complexities of our work and how their decisions impact our lives and the services we provide. Like any organization, we have changed how we work in order to meet the demands of an ever-changing economic and political landscape with each passing decade.

In the 1970s, state employees banded together to win the right to collectively bargain over wages and working conditions and voted to have the Maine State Employees Association serve as our bargaining agent. In 1989, as the consequences of national and international policy and economics came more pronounced in their impact on Maine, members of my union voted to join the Service Employees International Union, so we could work with a national community of workers to advocate for the services we provide, and for a fair economy. In the 1990s, our members voted to urge our bargaining teams to negotiate agency fee into our contracts so that all the workers we represent would share in the costs of the most basic services these members provide so we could better advocate for all. In 2003, we succeeded in including that provision in our Executive Branch contracts.

Each of these decisions, and many more, were advanced by our members to strengthen our organization so we would be able to meet the challenges of the times. Each has required a vote of our membership. Not everyone has agreed to every decision that has been made. This is the nature of democracy. Much like your constituents, the workers we represent have regular opportunities make their voice heard, through contract ratification votes, voting to elect their union leaders, lobbying their leaders in the workplace, or running for a union office themselves. If they decide they no longer want collective representation, there is a democratic process for that as well.

LD 786 would undermine would undermine this democratic process. If enacted, LD 786 would unilaterally overturn 39 years of our members decisions, remove our workers' rights to have a majority vote on their working conditions, limit what we may bargain and how we may bargain, and effectively eliminate our ability to bargain collectively at all.

For these reasons, we urge the Committee to vote ought not to pass on LD 786.

TESTIMONY OF ROBERT RUHLIN

MEMBER, MSEA-SEIU LOCAL 1989

BEFORE THE JOINT STANDING COMMITTEE ON

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

APRIL 1, 2013

9:30 AM CROSS OFFICE BUILDING ROOM 208

**IN OPPOSITION LD 786, THE-SO CALLED “AN ACT TO ENSURE THE VOLUNTARY MEMBERSHIP OF
PUBLIC EMPLOYEES IN UNIONS”**

Senator Patrick, Representative Herbig and members of the Labor, Commerce, Research and Economic Development Committee: My name is Robert Ruhlin and I’m from Hudson, Maine. I am a lifelong Republican and retired state transportation worker, and I am here to speak in opposition to LD 786.

I joined state service in 1965 and retired in 2003 with almost 39 years of service with the Department of Transportation, working for 13 plus years as a draftsman for Highway and Bridge Projects and for 25 plus years in the state’s Concrete and Structural Testing Lab in Bangor. I was in state service prior to the passage of Maine’s collective bargaining laws in 1974, and I vividly remember how issues were handled – or maybe I should say not handled – back then. We had no consistency on crucial everyday issues such as workplace safety between agencies. In many cases, we had no consistency from workplace to workplace even within the same agency.

When Maine’s collective bargaining law passed back in 1974, the Maine Labor Relations Board held an election to see which organizations the employees wanted to represent them. Everyone who wanted to vote voted. We got to choose from a list of organizations or no representation at all, and a majority of workers voted to unite together for a strong voice at work through a union. Maine’s then new law also provided that any organization elected by a majority of workers had to represent every member of the bargaining unit -- whether they had voted in favor of the union or not.

Over the 39 years since then, we’ve proven that collective bargaining benefits everyone involved – the state, the state employees, and the public they serve every day. I know the process well because I was elected by my co-workers and represented them on the Professional/Technical Bargaining team every year from 1982 to 2003.

Regardless of whether a worker joins the union at their workplace – and let me emphasize that no one is forced to do so in Maine -- every worker in that bargaining unit benefits from the wages, benefits and working conditions negotiated in their contract. It is only fair that everyone who benefits shares in the costs.

Let me close with a quote from former President Teddy Roosevelt, who said it best: “Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere.”

**TESTIMONY OF CHERYL SOUCY
MEMBER, MSEA-SEIU LOCAL 1989**

**BEFORE THE JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH & ECONOMIC DEVELOPMENT**

APRIL 1, 2013 COB ROOM 208

**AGAINST LD 786: "An Act to Ensure the Voluntary Membership of Public
Employees in Unions"**

Senator Patrick, Representative Herbig and members of the Labor, Commerce, Research and Economic Development Committee. My name is Cheryl Soucy. I'm from West Gardiner, and I work in the State Laboratory as a chemist. I test our drinking water to make sure it's safe from heavy metals. As a member of MSEA-SEIU Local 1989, I'm here today to testify against LD 786.

I did not start out my career as a union member; I worked in the private sector before coming to work for the state. I graduated from college and started my professional career just above minimum wage, which was around \$5.00 an hour at that time. There were no benefits, no health insurance, no retirement, and certainly no vacation or sick time. Back then, my husband worked in construction, we would regularly lose our health insurance when a construction project was done. This happened more frequently than not, leaving our family of four with half the income and no health insurance with two small children to care for. It was stressful to say the least. Then the opportunity arose to apply for a state job. My mother was a state employee and was a MSEA member for 25 years. She taught me the importance of having a union. So I joined MSEA on the first day of my employment over 23 years ago. It was what my family, and every family needs: a secure job with health insurance, vacation, sick time, and retirement.

My husband has been a crane operator for 32 years. For the first 17 years he worked for low wages and no retirement. Then he joined Local 4, an International Union of Operating Engineers. He knows as long as he works 1,000 hours a year (which can be difficult with a struggling economy), his health insurance cannot be taken away from him. He knows that if an accident happens, (which it hasn't), that the union will provide counselors and lawyers. That's what unions are all about: workers coming together to take care of each other, and protecting each other from unfair practices, that's why they call it a brotherhood. A union is a family where each member contributes to the pot so when a member or all of its members need help (whether an individual grievance or bargaining for all) they are there for us.

During budget battles or contract negotiations, fair share members always ask me "what is the union doing about this?" They understand the importance of having a union stand with them. That's why fair share is so important to me, because whatever we bargain for affects all state workers not just the full members.

We're closing in on two years without a contract and are over four years without a raise. Our union has stood by us and bargained in good faith but there's still no resolution. The Governor has made it clear that he, and others, would like to eliminate our union so he could eliminate us at will, raid our retirement, strip away our seniority rights, and take away our vacation and sick

time. If this bill passes, it would make it easier for him to do all of that, and we wouldn't get anything in return.

This bill has a hidden agenda, it seeks to weaken our union and weaken, if not eliminate, collective bargaining for public workers. Please oppose LD 786.

April 1, 2013

Senator Patrick, Representative Herbig and members of the Labor, Commerce, Research and Economic Development Committee: I am Jackie Roach from Oakland, Maine. I am a retired school teacher. I am here today to testify against LD 786 and I respectfully ask you to listen up to my one simple message: It's wrong to cut away at the collective bargaining strength of working people.

Starting in the 1950s, I taught children in state-run schools in Kingman and Benedicta. Many people do not know that we have state-run schools in towns in the unorganized territories of Maine. When small towns can no longer afford to support local government functions, they relinquish control and petition the State of Maine to provide schools and other basic functions such as issuing marriage and driver's licenses.

We once had seven such schools in Maine, in very rural locations. These schools served low-income children who were economically and socially deprived. Yet the schools themselves were state-of-the-art for their time, and I was proud to work in them.

In fact, several times I was often offered jobs in bigger paper mill towns nearby. I declined them, and it wasn't only out of pride in our small town schools. I turned down those other jobs because I knew my union, the Maine State Employees Association, stood up for me and stood up for the services I was providing to underserved children in our state.

I still remember the time a past president of MSEA and the union's board members joined top state officials on a tour of our schools in the unorganized territories. All the state officials could talk about was dollars and cents. It was about bucks, not about the kids.

I am very worried that this is what we are facing again today. Whether you're a retiree like me or a brand new state employee, you understand the financial challenges our state is facing. We have done our part. But if LD 786 passes, I am concerned that it will be a first step toward a day when no union members can bargain effectively over anything. Not the decent health and retirement plans that all Mainers deserve, not our staffing levels at schools.

Everyone's quality of life will suffer but our children will suffer most. Smaller school districts will no longer be able to attract the best and brightest college graduates as teachers. Already bulging schools will have lower student-teacher ratios, and children who can't keep up will fall further behind. Put simply, LD 786 is no good for Maine's public workers and it's no good for anyone.

I ask you to put aside tunnel vision, look down the road 10 or 15 years, and put a stop to this bad legislation now.

TESTIMONY OF TIMOTHY BELCHER, GENERAL COUNSEL

MSEA/SEIU, LOCAL 1989

**BEFORE THE JOINT STANDING COMMITTEE ON LABOR, COMMERCE, RESEARCH &
ECONOMIC DEVELOPMENT**

APRIL 1, 2013 COB ROOM 208

AGAINST LD 786: "An Act to Ensure the Voluntary Membership of Public

Employees in Unions"

And

**AGAINST LD 831: "An Act to Prohibit Mandatory Membership in a Union or Payment
of Agency Fees as a Condition of Employment"**

Senator Patrick, Representative Herbig, and members of the Labor, Commerce, Research, and Economic Development Committee; my name is Timothy Belcher, and I am the General Counsel of the Maine State Employees Association – Service Employees International Union, Local 1989 (MSEA-SEIU, Local 1989). Maine State Employees Association is a labor union that represents over 12,000 public sector and publicly funded workers statewide. I am here to testify against both LD 786 and LD 831.

The question before you is whether we want a low-wage economy, where workers' productivity generates high profits but where working men and women live in poverty. We urge you to pursue a different future, where workers can share in the prosperity they create, through free and effective collective bargaining. It is gratifying to see the auto industry rebound in the Midwest, including Indiana and Michigan. Thanks to the UAW, those new jobs will pay well. It would be a mistake, however, to assume that the same recovery would happen here if we enact these bills.

In the United States, our system of collective bargaining is based on the recognition that groups of employees working for a common employer are a community, with shared interests. Let me offer you an analogy : there was a time when fire fighters put out fires for homes and businesses that paid premiums, and let the adjoining structures burn. The problem with that system was the fires spread next door, and consumed whole blocks. We now share responsibility for fire fighting among everyone in the community, and adopt common rules to avoid fires. A work place is a community in the same sense: effective collaboration requires common systems, rules and resources.

Our labor relations system allows bargaining units of employees to vote, by majority rule, to establish those rules and systems by bargaining collectively with their employers. Labor boards supervise those elections, and require employers and the unions to negotiate in good faith. The union represents all employees who share that community

of interest, and is required to represent everyone in the bargaining unit, including non-members.

Because we treat all of those bargaining unit members as a community, governed by majority rule, we recognize that some employees will be represented by unions that they do not support, just as some pro-union employees will be denied the right to form a union because the majority of the unit votes against representation. Nonetheless, in a unionized setting, the rules that are established through collective bargaining apply to all. For this reason, most states allow unions to charge a fee to non-members to cover the cost of representation. They are required to pay for the representational services they receive. Otherwise, non-members would be allowed to freeloader off their colleagues' dues payments.

The Supreme Court has held that unions and employers can avoid the freeloader problem by requiring non-members to pay a service fee. The fee is calculated to reflect those union expenditures that are germane to collective bargaining. The idea is to ensure that objecting non-members do not pay for so-called ideological expenditures, but do pay their share of the cost of the services they receive.

The fees are calculated based on audited records of the prior year's expenditures. The union will track its expenditures by category. It can charge for bargaining, contract administration, governance, and some other related expenses. It may not charge for political work, most lobbying, most organizing, or for benefits that are only available to members. The audited statement is used to calculate a percentage of the dues rate that is proportional to the union's chargeable expenditures for the prior year. A notice is then sent to the non-members providing this information, and informing them of the internal appeals procedure. Generally, challenges are decided by an independent arbitrator, who is selected by the American Arbitration Association and paid for by the union. In addition, most unions provide exemptions for religious objectors.

This system works well to balance the interests of union members and non-members alike. They contribute to workplace harmony, as one group of employees isn't freeloading off the dues paid by the other. At the same time, these safeguards ensure that non-members are not supporting ideological activities that they may disagree with. Finally, these systems contribute to stability in collective bargaining and thereby benefit both management and the union. The system has worked in Maine for decades, and we urge you to reject both LD 786 and LD 831.

LD 831 would apply to private sector unions as well as those in the public sector. It includes language criminalizing conduct that is regulated by the National Labor Relations Board. To that extent, the bill is preempted by federal law and unconstitutional. If it were enacted, the State would face the cost of defending the law in federal court.

LD 786 really eliminates collective bargaining as we know it, but only for the public sector. The bill tries unsuccessfully to turn a debating point into policy. Since fair share provisions exist to address the freeloader problem, opponents of such systems have

sometimes argued that the law should be changed to eliminate the union's obligation to represent non-members. LD 786 purports to address this issue by eliminating the basic principle that the same rules should apply to all employees who share a community of interest. Rather than draft a completely new system, however, the proponents have cut and pasted parts of the existing law. The result is both confusing and unworkable.

The bill would do the following:

1. It would take the MLRB out of the business of running elections or certifying bargaining representatives;
2. It would prevent unions or employers signing agreements that applied to non-members;
3. It would require the employees in the bargaining unit, without the help of the government, the union or the employer, to conduct annual elections to determine whether any union would represent those who chose to join.

This bill would create a radically new system of labor relations, one that has never been adopted in any jurisdiction that I am aware of. The union would negotiate one set of rules for its members in a bargaining unit, but the employer could impose a completely different set of rules on everyone else. For example:

1. Where the employer needs to choose among employees for layoffs, shift assignments, promotions or similar matters, it would face different and potentially contradictory rules governing who would be protected;
2. the employer could face different rules governing discipline or other rights;
3. The employer could not adopt a single, coherent pay structure, and would be permitted to pay union members more or less than non-members, in order to support or punish union membership;
4. Different employees working the same job, or in the same group, could get different holidays off, work different work schedules, accrue vacation or sick time differently, or even have different insurance or pension benefits.

This bill proposes a system that is completely unworkable from the perspective of the employer, the union, or the employees.

The requirement that the bargaining unit conduct an election every year to decide whether the union should represent it is similarly bizarre. While the MLRB conducts union elections under current law, the sponsors likely realized that it would need a massive appropriation of new funds if it were required to conduct annual re-certification elections for every bargaining unit in Maine government. Instead, they shift that burden to the employees themselves, but make no provision for who will administer the election or bear the cost. Moreover, there is no plausible reason to require annual certification in any circumstance, let alone where unions could not even represent non-members. This provision of the bill is designed purely to harass union supporters.

For the foregoing reasons, I respectfully urge the Committee to vote ought not to pass on both LD 831 and LD 786.

June 2, 2011

My name is Robert Ruhlin and I'm from Hudson, Maine. I am a lifelong Republican and retired state transportation worker, and I am here to speak in opposition to LD 309.

I joined state service in 1965 and retired in 2003 with almost 39 years of service with the Department of Transportation, working for 13 plus years as a draftsman for Highway and Bridge Projects and for 25 plus years in the state's Concrete and Structural Testing Lab in Bangor. I was in state service prior to the passage of Maine's collective bargaining laws in 1974, and I vividly remember how issues were handled – or maybe I should say not handled – back then. We had no consistency on crucial everyday issues such as workplace safety between agencies. In many cases, we had no consistency from workplace to workplace even within the same agency.

When Maine's collective bargaining law passed back in 1974, the Maine Labor Relations Board held an election to see which organizations the employees wanted to represent them. Everyone who wanted to vote voted. We got to choose from a list of organizations or no representation at all, and a majority of workers voted to unite together for a strong voice at work through a union. Maine's then new law also provided that any organization elected by a majority of workers had to represent every member of the bargaining unit -- whether they had voted in favor of the union or not.

Over the 37 years since then, we've proven that collective bargaining benefits everyone involved – the state, the state employees, and the public they serve every day. I know the process well because I was elected by my co-workers and represented them on the Professional/Technical Bargaining team every year from 1982 to 2003.

Regardless of whether a worker joins the union at their workplace – and let me emphasize that no one is forced to do so in Maine -- every worker in that bargaining unit benefits from the wages, benefits and working conditions negotiated in their contract. It is only fair that everyone who benefits shares in the costs. You can't amend your way out of the fact that LD 309 shifts the entire cost of negotiating a contract onto just the union members in a bargaining unit.

LD 309 would also end the long-standing practice of allowing state workers to pay their union dues through payroll deduction, a practice that predates Maine's collective bargaining laws. Ever since the 1960s, the State of Maine has allowed workers to have dues to the Maine State Employees Association deducted directly from their paychecks. This tradition has been well respected under Republican, Democratic, and Independent administrations. We urge you to respect this long tradition of cooperation by opposing LD 309.

Let me close with a quote from former President Teddy Roosevelt, who said it best: “Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere.”

June 2, 2011

My name is Don Crossman, and I am a psychiatric nurse at Dorothea Dix Psychiatric Center in Bangor, and a member of the Maine State Employees Association. I am here today to testify against LD 309 not only as a union member, but as a nurse and as an elected local leader in my community.

During my 23 years at Dorothea Dix I've held a variety of positions, but the whole time I have been part of an outstanding team of people who take care of the sickest, psychiatric patients in the State of Maine. It is by having a strong voice through our unions that we have successfully negotiated for adequate safety and staffing levels, which allows us to help these people enough that they are able to return to their communities.

I am also the chair of MSAD 41, my community's school board, so I understand the very tough budget challenges we are all facing. I don't think our teachers and retired state workers should be making the lion's share of sacrifices, or making sacrifices on issues that have nothing to do with the budget. Many of the radical changes proposed in LD 309 strike me as having a strong odor of "let's destroy unions right now," but let me just focus on three of those most odious aspects of the legislation.

First, I am very concerned that this proposed law would basically stop funding for our unions if our contracts expire. It's very common that contracts expire, and we don't reach a settlement until two or three months later. Passing this law will almost guarantee that our state will not bargain in good faith hence our contract will expire this year on July 1. Under this law, people will no longer be union members until they sign up again, and that will mean we won't be able to collect dues and cover the costs to negotiate for them right at a crucial moment in negotiations.

Second, I am also concerned that this proposed law would eliminate the service fee known as "fair share" that nonunion members pay to cover the costs of negotiating and carrying out a contract.

I think we should have a balanced approach. The people who object to being part of a union should not be forced to join one, and they are not now. But they also should not get to be totally exempt from paying the reduced amount of dues they now pay, a little over 50 percent of what a full member pays.

Third, I am concerned about LD 309 because it is not only unfair to people in unions, it is part of a constant barrage of attacks on all working people in Maine. I live in Piscataquis County, a very Republican county, and I am surrounded by people who have misinformation about what unions do. They have forgotten what unions did for all by building a strong middle class in this country after World War II.

If we don't stop LD 309, it will only be a matter of time before we don't have unions, and we will become a nation of haves and have nots. We are rapidly heading in that direction. On behalf of all working people in Maine, I ask you to say "enough is enough" and vote to defeat LD 309.

June 2, 2011

I am Frank Kadi of Portland. I am speaking in opposition to LD 309. I am a retired state employee with 30 years of service. My jobs included work with the developmentally disabled and computer programming for many state services.

My experiences with collective bargaining included serving as a steward and chief steward with the Maine State Employees Association. These volunteer positions involved representing employees at lower level grievance hearings. I served on bargaining committees, on a bargaining team, as a leader of MSEA chapters, and on the MSEA Executive Board.

I have two areas of concern with LD 309.

First, it threatens the agency fee option, which management and the union can put into practice with the consent of both parties. When both management and the union members choose to implement this option in a contract, we both recognize that nonunion members are being provided a service by the union. We not only negotiate on their behalf for wages and benefits but also for working conditions that give them the tools to deliver quality services in our state. Nonunion workers don't pay full union dues, only what it costs to negotiate for them and represent them.

If agency fee payers remove themselves from that status and cease to pay anything, it would then place the entire burden of the cost of conducting negotiations and representational services on union members. Then, either dues would go up to support agency fee payers, or services to all of the workers would have to be reduced.

It is similar to what would happen if some citizens did not have to pay taxes to a town. Snow plowing, for example, would still have to be done. Certainly, everyone benefits from the plowing, but it would not be fair for everyone to benefit while some avoid paying for the services provided to them.

My second area of concern with LD 309 is it would prohibit payroll deduction of union dues after a contract expires. This, I believe, is an attempt to tilt the bargaining process in favor of the employer and against Maine workers. It would threaten a union's ability to exist. The whole structure of bargaining could come to an end.

LD 309 would thus erode the financial underpinnings of a union, and the ability of a union to act independently in bringing forward workers' legitimate concerns about crucial workplaces issues that may impact their own health or the safety of the general public.

The relations between people that develop over time, and rules and processes for accomplishing tasks of mutual concern, enable work to get done. In the area of labor-management relations, collective bargaining is how this is accomplished.

LD 309 would do a great deal of damage to public employment collective bargaining in the State of Maine and could also do great damage to all Mainers. Please oppose LD 309. Thank you.

June 2, 2011

I'm Jackie Roach from Oakland, Maine. I'm 78 years old and I am a retired school teacher.

I am here today to testify against LD 309 and I respectfully ask you to listen up to my one simple message: It's wrong for Governor LePage to use our state's budget troubles as an excuse to cut away at the collective bargaining strength of working people.

Starting in the 1950s, I taught children in state-run schools in Kingman and Benedicta. Many people do not know that we have state-run schools in towns in the unorganized territories of Maine. When small towns can no longer afford to support local government functions, they relinquish control and petition the State of Maine to provide schools and other basic functions such as issuing marriage and driver's licenses.

We once had seven such schools in Maine, in very rural locations. These schools served low-income children who were economically and socially deprived. Yet the schools themselves were state-of-the-art for their time, and I was proud to work in them.

In fact, several times I was often offered jobs in bigger paper mill towns nearby. I declined them, and it wasn't only out of pride in our small town schools. I turned down those other jobs because I knew my union, the Maine State Employees Association, stood up for me and stood up for the services I was providing to underserved children in our state.

I still remember the time a past president of MSEA and the union's board members joined top state officials on a tour of our schools in the unorganized territories. All the state officials could talk about was dollars and cents. It was about bucks, not about the kids.

I am very worried that this is what we are facing again today. Whether you're a retiree like me or a brand new state employee, you understand the financial challenges our state is facing. We have offered to do our part. But if LD 309 passes, I am concerned that it will be a first step toward a day when no union members can bargain effectively over anything. Not the decent health and retirement plans that all Mainers deserve, not our staffing levels at schools.

Everyone's quality of life will suffer but our children will suffer most. Smaller school districts will no longer be able to attract the best and brightest college graduates as teachers. Already bulging schools will have lower student-teacher ratios, and children who can't keep up will fall further behind. Put simply, LD 309 is no good for state workers and it's no good for anyone. I ask you to put aside tunnel vision, look down the road 10 or 15 years, and put a stop to this bad legislation now.