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Testimony in Opposition to LD 775: “An Act To Include within the Definitions of ‘Public Employee’ and ‘Judicial Employee’ Those Who Have Been Employed for Less Than 6 Months”.

Senator Hickman, Representative Sylvester, and the distinguished members of the Committee on Labor and Housing, my name is Nick Murray 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 on LD 775.

The irony of this legislation is that it is presented by those who claim to champion workers’ rights, when in reality, it supports government unions at the expense of workers.

LD 775 would allow the dismissal or suspension of a state employee during their first six months on the job without cause. Under this change, public-sector unions would be absolved from defending probationary employees in wrongful termination suits, yet would still be able to collect dues from employees during their probationary period, if included in the collective bargaining agreement (CBA).

In the wake of the Supreme Court’s 2018 decision in *Janus v. AFSCME*, public-sector employees may exercise their right to free association in the workplace; they are no longer compelled to financially support their union if they so choose.

Many government unions responded to that ruling by calling out “free riders” who would reap the benefits of union representation without paying in.

LD 775 would, in effect, make free riders of the unions. A union could take advantage of a probationary employee by deducting their dues, without the responsibility of defending them.

Even today, *Janus* is still not codified in Maine law, leaving us in clear conflict with Supreme Court precedent. If anything, this bill would broaden the chasm between our laws and ensuring the First Amendment rights of public workers.

Out of a genuine interest in fairness, this committee should dispense with this bill, and leave the terms governing probationary state employees in statute as they are, allowing them to continue to be determined through CBA negotiations. Please consider reporting LD 775 “Ought Not to Pass.” Thank you for your time and consideration.