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January 19, 2022

Honorable Craig Hickman, Senate Chair
Honorable Mike Sylvester, House Chair
Joint Legislative Committee on Labor and Housing
100 State House Station
Augusta, ME 04333

Re: Testimony in Opposition to LD 555 An Act To Expand the Rights of Public Sector Employees

Dear Senator Hickman and Representative Sylvester:

The Maine Water Utilities Association (MWUA) appreciate the opportunity to provide testimony in opposition to LD 555. If adopted, LD 555 would enable public sector workers, including water and wastewater utility workers, to strike.

About MWUA. The Maine Water Utilities Association is a nonprofit association based in Augusta that provides support for water works professionals throughout the State of Maine in advocating for safe drinking water through educational and technical programming as well as advocacy on the local, state, and national level. The Association was formed in 1925 and counts approximately 109 water utilities in Maine as members.

Discussion. Employees in the water and wastewater profession provide critical services affecting the public safety, public health, and the environment of Maine's communities. Under current law, such employees are not allowed to strike. LD 555 would change that. Imagine if fire hydrants were not operable, water main breaks were not adequately repaired, the water people drink every day was not properly treated, or if wastewater was not adequately treated and discharged because the employees responsible for these tasks were on strike. Significant threats to public health, property and the environment are likely if these employees were allowed to strike or cause a work slowdown.

Water and wastewater utilities provide essential services 24 hours a day, 365 days a year. At all times, people need access to drinking water and wastewater services. Therefore, a lack of employees available to operate the water or wastewater treatment plants and associated collection and distribution systems would immediately create a public health and safety crisis.

Language in LD 555 states that, in the event of a strike, a public employer can require a minimum number of employees on strike to remain at work "to ensure that the public health, safety and welfare are protected." This provision is well-intended, but not workable, as it presupposes that on-strike employees are available to respond to an employer's request. The reality is that striking employees will not be sitting by the phone, fit for duty, just in case they are needed.

It is also important to put this bill in the context of a rural state like Maine where water utilities are small and, in most cases, the water and wastewater operators themselves are also the employees "on-call" for utility response when there is an emergency. If these employees are on strike, they will not be available to respond to an emergency. These "on-call" employees normally respond directly to calls sent to a pager or a cell phone from a call center or an automated computerized control system. Calls include broken

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water mains, broken or plugged sewer mains, customers with broken pipes whose homes or businesses are flooding, as well as urgent operational issues at a water or wastewater treatment plant.

LD 555 also creates a legal quagmire by granting public employees the right to strike, while also giving employers authority to require some employees to work, and finally allowing employees to file a grievance for being required to work. These complex legal twists will surely result in employers spending significant public dollars on attorney's fees.

It is also notable that the bill, as drafted, maintains the current strike prohibition for employees whose duties include protecting public safety (including law enforcement, fire fighters, emergency medical personnel, and others). However, inexplicably, employees of water and sewer districts are not included. The fact is, tasks performed by water and sewer employees are vitally essential to the public health and safety of our communities, no less so than other first responders. Moreover, imagine a fire fighter trying to put out a fire without water – it just won't work.

Finally, the Committee should be aware that this prohibition on striking has been in place since 1969, to prevent impacts on public health and safety. Please do not remove this long-standing protection on the services we provide to the people and communities of Maine.

Conclusion. For these reasons, the Maine Water Utilities Association urges you to reject LD 555, or at the very least, add and define "public health" to employees who will still fall under the prohibitions of §964. If passed as presented, LD 555 will place all communities at risk.

Thank you for your consideration.



Roger Crouse,
Legislative Committee Chair, Maine Water Utilities Association
General Manager, Kennebec Water District

cc: Bruce Berger, Executive Director (MWUA)
James I. Cohen, Verrill Dana, LLP, Legislative Counsel