



May 8, 2023

Committee on Labor and Housing  
Burton M. Cross Office Building  
111 Sewall St, Room 202  
Augusta, ME 04330

Re: LD 1756– An Act to Protect Employee Freedom of Speech

Dear Committee Members:

On behalf of the American Hotel & Lodging Association, I write to express our concerns with LD.1756, which would create a so-called Captive Audience law in Maine.

These bills typically masquerade as “protecting free speech in the workplace” bills, the text of these bills tends to reach beyond their intended purpose. As some examples:

- An employer may now have to consider whether discussions involving its position on matters of public importance, such as public health measures and COVID19 vaccine mandates, fall within the definition of legislation, regulation or political matters.
- Another emerging and common topic of conversation in the workplace is diversity, equity and inclusion. Like public health discussions, an employer may now have to consider whether DEI discussions and trainings fall within the undefined scope of an employer sponsored meeting with the primary purpose of communicating the employer's position on political matters. Under this law, employees could theoretically refuse to participate in employer-sponsored DEI discussions and trainings, claiming that these meetings involve the employer's views on religious or political matters.

It should be noted that only three states in the country have a similar law – all of which have been challenged on First Amendment grounds. Connecticut passed a bill in 2022, but it is currently being challenged in Federal Court.

If you have any questions, please do not hesitate to contact me at [sbratko@ahla.com](mailto:sbratko@ahla.com).

Sincerely,

Sarah R. Bratko, Esq.  
American Hotel & Lodging Association