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## IN OPPOSITION - LD 1756 'An Act to Protect Employee Freedom of Speech'

Dear Senator Tipping, Chair, Representative Roeder, Chair, and Members of the Committee on Labor and Housing,

My name is Christine Cummings and I am the Executive Director of the Maine Grocers & Food Producers Association. The Maine Grocers & Food Producers Association is a business trade association representing more than 200 businesses within Maine's food community; Main Street businesses including independently owned and operated grocery stores and supermarkets, food and beverage producers and processors, manufacturers, wholesalers, distributors, and supportive service companies.

Similar legislation that passed in Connecticut just last year is now facing litigation.<sup>1</sup> The lawsuit's premise is that the plaintiffs' claim that the ban violates free-speech and equal-protection rights under the Constitution. In our review, LD 1756 appears to violate federal preemption as it relates to the National Labor Relations Act (NLRA) which has exclusive authority over workplace interactions, has constitutional issues, and attempts to regulate a topic area in which the US Congress has intended to leave unregulated.

While we are opposed to this legislation, in particular, it goes too far as to not provide necessary safeguards. Violations could occur when religious or political matters are simply discussed not specifically the *primary purpose* of the meeting. This proposal causes significant heartburn as it will result in unintended consequences where employers will question whether or not they can hold meetings specific to company values or diversity, equity, inclusion, and accessibility (DEIA) initiatives and we are fearful it will be misconstrued by employees trying to determine whether or not they must attend certain meetings. We have concerns that both employers and employees may misinterpret what they deem to be political or religious context and it sets the stage for unintended employee and employer tension.

Maine continues to struggle as a state in which it is attractive to do business. Maine's economy ranks the 8<sup>th</sup> lowest in the nation (*Source: WalletHub 2022 "Best and Worst State Economies"*) and our business climate ranks 3<sup>rd</sup> worst (*Source: Forbes 2022 "Best States for Business"*). Maine's 10-year Strategic Plan specifically notes that Strategy F is to "Maintain a Stable Business Environment." LD 1756 will not aid in improving Maine's poor rankings nor make us more attractive to do business and we stand opposed to measures that do not evidently move the state forward towards improved economic development.

We ask the Committee to vote Ought Not to Pass on LD 1756 to not further complicate the delicate balance of employee and employer workplace conduct and varying interests. Thank you for the opportunity to provide testimony.

*Christine Cummings*

Christine Cummings  
Executive Director

<sup>1</sup> <https://www.cbia.com/wp-content/uploads/2022/11/2022.11.01-001-Complaint.pdf>