

**TESTIMONY OF
Brian Parke
L.D. 61, “An Act to Regulate Employer
Surveillance to Protect Workers”**



Good afternoon, Senator Tipping, Representative Roeder, and members of the Committee on Labor. My name is Brian Parke and I am the President and CEO of the Maine Motor Transport Association and a resident of Brunswick. The Association is comprised of more than 1,800 member companies, whose employees make up a large portion of the more than 34,000 people who make their living in the trucking industry in Maine.

We are submitting testimony in opposition to LD 61 on the basis of the unintended highway safety implications and concerns for increased litigation. When our industry talks about professionalism and the role our truck drivers play in the safety of our roads, we like to talk about the investments many of our members have made in technology like driver alert systems for fatigue, forward collision warning and mitigation systems, electronic stability control, adaptive cruise control and lane departure warnings.

But our industry has also invested heavily in the human element of safety as well and this is through voluntary installation of video technology, both outward and inward facing cameras. While also used as a liability protection tool, this technology is used throughout the trucking industry as a way to identify unsafe behaviors such as tailgating, speeding, not wearing a seat belt and driver distraction. Employers get alerts so that they can proactively coach their drivers and improve safety habits, which improves highway safety for all Mainers, not just truck drivers. These cameras also provide real-time incident detection such as hard braking, evasive maneuvering and alerts when hours of service limits are close.

Visual limitations are also an area of concern for our truck drivers and cameras can provide the driver with a clear view of the back of the truck and can help assess blind spots on the move. So you can see, these camera systems are in place because safety is the number one priority for truckers who are sharing the roads with our families.

A practical matter raised by this bill is when a motor carrier hires an owner-operator (O/O) and has the O/O operate under the motor carrier's Federal Motor Carrier DOT authority. This is often the case when a motor carrier has a contract with a shipper and the shipper requires their freight to be hauled under the motor carrier's authority to ensure seamless logistical and billing support as well as liability coverage. As written, LD 61 would allow the O/O to reject a motor carrier's camera requirement and their ability to access those cameras, even though the motor carrier is responsible for the safety and liability of the O/O while operating under the motor carrier's DOT authority.

It is also not clear to us if these camera systems would be considered "employer surveillance" in the first place if LD 61 were passed. We anticipate line #16 would likely exclude trucking's application of these safety devices as "employer surveillance", but it leaves open the possibility of disagreement without defining a "safety device" and the real/perceived intent of these camera systems. For instance, a certain driver might see it's implementation as a way for their employer to spy on them, while their employer might see the same technology as a way to improve safety. Both positions can be sincerely held, but this lack of clarity, combined with our concern about needless litigation that is compounded by the private right of action provision, has us firmly opposed to this bill.

We respectfully ask that you oppose LD 61.

Thank you for your consideration and for allowing us to submit written testimony. I would be happy to answer any questions the committee has throughout this process.