

Manufacturers Association of Maine

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5 February 2025

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Senator Tipping, Representative Roeder and honorable members of the Joint Standing Committee on Labor, we offer this testimony in opposition to LD61, An Act to Regulate Employer Surveillance to Protect Workers.

The Manufacturers Association of Maine (MAME) is a non-partisan 501(c)6 non-profit grounded in service to its membership, providing a network of resources designed to support the strategic business growth needs of Maine manufacturing entrepreneurs. Maine's manufacturing businesses are diverse, employing almost 60,000 individuals in military and defense, aerospace, metal fabrication, paper, boat building, semi-conductor, wood products, aquaculture and biotech, medical device, composites, and bioplastics, as well as the food and beverage industries. These businesses represent almost 10% of Maine's annual GDP and 14.5% of all the wages paid in the state on a weekly basis. MAME's mission is to help manufacturing grow and succeed and supports Maine's development of future manufacturing assets through a variety of programs.

Employee monitoring or surveillance is becoming more common in the workplace. With many businesses going remote during the pandemic, the use of employee surveillance technologies rapidly increased. However, Maine manufacturers have been using monitoring technologies in the workplace for years.

Employers use it to investigate allegations of harassment, resolve disputes between employees, recover misplaced or stolen property, ensure the security of customer property and perhaps most importantly, for improving operational competitiveness through quality and productivity gains. While improved from last session's version of the bill, as drafted, LD61 would prohibit Maine businesses from being able to use monitoring technologies for common sense reasons that directly affect business operations and the health and safety of their employees.



The definition of employer surveillance contained in LD61 will still prevent a business from guarding (for example) its workers' compensation program from fraudulent activity. It makes absolutely no sense to telegraph to an employee that is defrauding the company that they are being watched, which will obviously change their behavior. Most employers already have policies which notify employees that they are not entitled to privacy as it relates to the use of employer-provided or supported digital resources or while in an employer's work environment (except in locations where privacy is expected), or WHEREVER they are using the employers digital assets (including at home or in their vehicle). These policies are included in personnel handbooks and are already reviewed at the appropriate time in the onboarding process. To overtly burden the interview process with the subject matter places an interpersonal communication burden on everyone involved at a time when the company is working hard to put its best foot forward.

Moreover, while a Private Right of Action is designed to enhance enforcement of laws, it often results in excessive litigation, financial hardship, and regulatory uncertainty for businesses. The Committee should consider alternative enforcement mechanisms—such as agency-led enforcement, administrative penalties, or safe harbor provisions—to balance employee protection with economic stability and innovation.

We respect and appreciate that the sponsor is trying to address personal privacy with this proposal, but employers need to be able to protect their businesses and employee populations more broadly from undue costs and potential legal action. Employee surveillance is one way of doing so. This bill is simply not practical, and unnecessary given the state of workplace art in communicating digital rights in the 21st century. We ask that you vote **Ought Not To Pass**.

