

HOSPITALITY  
MAINE



45 Melville St. Augusta, ME 04330  
207-623-2178  
www.hospitalitymaine.com

327 Water St, Hallowell, ME 04347  
207-623-0363  
www.maintourism.com

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Testimony of Nate Cloutier

Before the Joint Standing Committee on Labor  
February 5, 2025

**In Opposition to LD 61, *“An Act to Regulate Employer Surveillance to Protect Workers”***

Senator Tipping, Representative Roeder, and distinguished members of the Labor Committee, my name is Nate Cloutier, and I am here today on behalf of HospitalityMaine, which represents Maine’s restaurant and lodging industry. I am also testifying on behalf of the Maine Tourism Association, a non-profit association and the state’s largest tourism organization with nearly 1500 members. HospitalityMaine and Maine Tourism Association respectfully oppose LD 61, *“An Act to Regulate Employer Surveillance to Protect Workers.”*

On behalf of Maine’s hospitality and tourism industries, I appreciate the opportunity to provide testimony regarding LD 61. While we understand and support the need to protect employees’ privacy, we believe this bill presents significant unintended consequences that could hinder workplace security and operational efficiency.

LD 61 would impose new restrictions on employer surveillance, requiring prior notification before monitoring employees. It also prohibits audiovisual monitoring in an employee’s residence, personal vehicle, or property, and allows employees to decline employer-requested data collection applications on personal devices. Furthermore, it introduces a private right of action against employers for violations.

Maine’s restaurant, lodging, and many other establishments rely on camera monitoring systems to protect employees, guests, and business operations. These systems are essential tools for ensuring workplace safety, addressing incidents such as theft, fraud, and physical altercations, and assisting law enforcement when necessary. The bill explicitly excludes surveillance cameras used for safety or security purposes, but the broader notification and restriction requirements could complicate existing security protocols.

For example, if an employer must provide prior notice before any form of monitoring, this could create compliance challenges. Security measures often need to be discreet to be effective, and notifying employees in advance could undermine their purpose. Additionally, allowing employees to decline employer-requested applications on personal devices may create logistical and cybersecurity concerns, especially for businesses that rely on remote communication tools for scheduling, time tracking, and customer service coordination.

A key concern is the introduction of a private right of action, which would expose businesses to additional legal liability. Even well-intentioned employers who use surveillance solely for security purposes could face costly litigation over technical compliance issues. We also urge the committee to consider potential impacts on business insurance policies if surveillance restrictions increase liability risks.

The hospitality industry values trust and transparency, and we support reasonable measures that balance workplace privacy with security. However, LD 61 is a broad approach that may have unintended consequences for employers who are simply trying to maintain safe and efficient operations. A nearly identical bill introduced in the last legislative session did not appear to receive testimony from workers or employee advocacy groups, raising questions about whether this is a change being actively sought by employees. We respectfully request that the committee vote "ought not to pass" on this bill.

Thank you for your time and consideration. I would be happy to answer any questions.