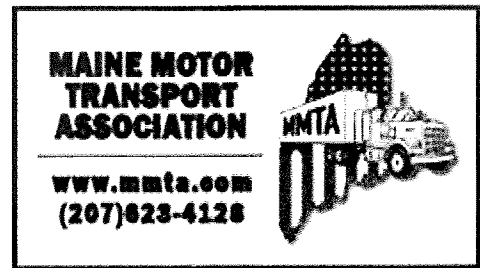


**TESTIMONY OF
Brian Parke
L.D. 53, “An Act to Ensure Accountability
for Workplace Harassment and
Assault by Removing Intentional Acts and
Omissions from Workers' Compensation
Exemptions”**



Good afternoon, Senator Tipping, Representative Roeder, and members of the Committee on Labor and Housing. 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 1,700 member companies, whose employees make up a large portion of the 32,000 people who make their living in the trucking industry in Maine.

I am also the Trust Administrator of our group self-insurance program, the MMTA Workers' Compensation Trust and I am here today to testify in opposition to LD 53.

As you will likely hear from other opponents on this bill, the proposed changes to the statute will have far-reaching unintended consequences that go well beyond the title's stated purpose. Our understanding is that the sponsor's intent is to narrowly focus on the impacts of workplace harassment where the exclusive remedy of workers' compensation preempts additional relief from resulting emotional distress injuries.

And if the bill did just that, we might feel differently about it because it's safe to say that the vast majority of Maine businesses are against workplace harassment and assault and we unequivocally support the enforcement of Maine's laws protecting against such grievous behavior.

But the broad nature of the changes proposed by this bill will create friction in the system by producing an ill-defined standard that will only encourage litigation. This is completely contrary to the grand bargain of workers' compensation insurance which is to avoid civil litigation on both sides – effectively relieving employees of the burden of proving fault and preventing employers from asserting the common law defense of contributory negligence. I

can see why lawyers would want this, but it is bad for the system and it goes against the exclusive remedy's promise of relative litigation certainty.

Pursuing legislation to fix a specific and rare circumstance of workplace sexual harassment with the broad bill language as proposed does not strike me as good public policy. And for this reason, we respectfully ask that you oppose LD 53.

Thank you for your consideration and for allowing me to testify. I would be happy to answer any questions the committee has now or at the Work Session.