

TESTIMONY OF BRIAN BELL IN OPPOSITION TO LD 960

Senator Carney, Representative Moonen and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Brian Bell, I am a Maine resident who brought a case under the Maine Human Rights Act and so have firsthand knowledge about how this bill would limit the Act and impact Maine employees. I urge you to oppose LD 960.

In 2014 I was hired by O'Reilly Auto Parts as a Store Manager at their Belfast store. I was good at the job. In 2015, my medical provider determined that I needed some accommodations to allow me to perform the job with my disabilities. My employer denied my request for these accommodations and eventually I was terminated from my job. I did my best to find other work but was still unemployed for months and then worked in jobs that paid less for years. I did pick myself back up after the termination, but it was a difficult time.

After my termination I connected with a lawyer and pursued claims under the Maine Human Rights Act and Americans with Disabilities Act. My case went on for over seven years, involved two trials, an appeal to the first circuit, and a petition for cert to the US Supreme Court by O'Reilly. In October 2021 my case went to the final jury trial. The trial was in the federal court in Bangor and so the jurors came from all across northern and eastern Maine. I testified at the trial. My wife and a psychologist also provided testimony about how the termination of my employment had impacted me. It felt good to see the jurors listening to the evidence about what had happened and how I was impacted.

The jury came back with a verdict finding that O'Reilly had violated the Maine Human Rights Act and the Americans with disabilities act. They awarded my lost wages and \$825,000 in compensatory and punitive damages. A group of my fellow Mainers did justice and determined the appropriate damages based on the evidence.

The verdict was a game changer for me and my wife. If the Maine Human Rights Act were amended in the way proposed in this bill, then the court would have been required to take away 40% of the verdict. This would have had a substantial negative effect for me and my economic situation.

The laws already have damages caps. This bill would decrease the available damages even more and further limit the ability of Maine jurors to award what they feel is appropriate after hearing all the evidence. For many large corporations, the current caps are already negligible, with a company like O'Reilly making more money in an average hour of national operations than the caps impose. Further limiting these caps would be less of a deterrent and more akin to a statement that discrimination is legal with a fee. This would be a terrible thing for employees in Maine and it would be a bad thing for justice. For these reasons I ask that the Committee vote that LD 960 "ought not pass". Thank you.