

# HOSPITALITY MAINE

Testimony of Nate Cloutier

Before the Joint Standing Committee on Health and Human Services

Neither for Nor Against LD 767, *“An Act to Amend the Laws Governing Licensing of Certain Types of Establishments and Professions by the Department of Health and Human Services”*

March 13, 2025

Senator Ingwersen, Representative Meyer, and distinguished members of the Health and Human Services Committee, my name is Nate Cloutier, and I am here on behalf of HospitalityMaine, representing Maine’s restaurant and lodging industries. HospitalityMaine is neither for nor against LD 767, *“An Act to Amend the Laws Governing Licensing of Certain Types of Establishments and Professions by the Department of Health and Human Services.”* We appreciate the opportunity to offer comments on the Department’s bill.

Our remarks pertain specifically to Section 3, which addresses complaints and confidentiality. This section would make the identity of an individual confidential when filing a complaint under the Department’s licensing and regulatory authority, which includes eating establishments and lodging places. We offer two scenarios as you consider this legislation.

1. A restaurant or lodging establishment employer submits a complaint to the Department about another establishment, reporting suspected violations of Health Inspection Program (HIP) rules. The employer assumes their identity will remain confidential to avoid retaliation or reputational harm. However, under current law, both the complainant’s identity and the details of the investigation are subject to public information requests. Without confidentiality protections, businesses may be discouraged from reporting legitimate concerns about industry compliance.
2. A disgruntled employee who recently had their hours reduced files a complaint alleging unsanitary conditions—rodent infestations, improper food storage, etc. While the claims are entirely false in this scenario, the employee is shielded by confidentiality under LD 767. The business, however, suffers reputational damage, and there is no recourse for the employer to address a potentially malicious or baseless complaint.

Both situations—based on real cases—demonstrate the dual impact of confidentiality protections. While anonymity can encourage good-faith reporting, it can also create opportunities for unfounded claims that unfairly harm businesses and workers.

We encourage the committee to consider a balanced approach that safeguards whistleblowers while preventing unintended misuse of confidentiality protections.

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