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**Testimony of Dillon Murray,
Legislative Liaison, Maine Department of Labor
Neither for Nor Against
LD 1554, An Act to Require Sexual Harassment Prevention Training for
Restaurant Employees
To the Joint Standing Committee on Labor
Hearing, April 16, 2025**

Good morning Senator Tipping, Representative Roeder and members of the Joint Standing Committee on Labor. My name is Dillon Murray, Legislative Liaison for the Maine Department of Labor (Department). I am here today to speak on behalf of the Department Neither for Nor Against LD 1554, "An Act to Require Sexual Harassment Prevention Training for Restaurant Employees."

The Department wishes to begin by stating, unequivocally, that sexual harassment in the workplace is a serious and deeply harmful violation of human dignity. It undermines trust, creates hostile environments, and inflicts lasting trauma on victims. No one—whether an employee, a customer, or an employer—should ever be subjected to harassment in any setting. We appreciate and respect the intent of this bill, and the Department shares the sponsor's commitment to addressing this persistent and painful issue in Maine's workplaces.

As amended, LD 1554 would require the Department to create and publish a uniform sexual harassment policy specific to restaurants. This policy must apply to patrons, employees, and employers, and must conform to the standards outlined in Title 26, §807. The Department would be responsible for developing this policy by January 1, 2026, and ensure it is publicly available on our website. By January 1, 2027, restaurants would be required to adopt this policy. The enforcement mechanism for compliance appears to be tied to the restaurant liquor licensing process, administered through the Bureau of Alcoholic Beverages and Lottery Operations.

Maine law, captured in Title 26 §807, currently requires employers with 15 or more employees to adopt a written sexual harassment policy and provide annual training to all employees. §807 outlines detailed requirements for these policies, including a clear definition of sexual harassment, procedures for internal complaints, and guidance on how to file a complaint with the Maine Human Rights Commission. Employers must also prominently display information about sexual harassment protections in the workplace. The Department of Labor is responsible

for providing model policy language and poster materials, which we maintain on our website (attached).

While we appreciate the bill's intention, we respectfully raise a few clarifying questions and concerns:

1. **Enforcement Authority:** The Department of Labor does not have enforcement authority over sexual harassment complaints. That jurisdiction lies with the Maine Human Rights Commission (MHRC). The bill requires MDOL to create a new policy that covers not just workers but patrons and employers, raising questions about who is responsible for investigating and enforcing compliance. It is unclear whether MHRC would be expected to enforce violations of a policy created by MDOL.
2. **Scope of Policy:** The requirement to include patrons in the Department's policy is a significant departure from current law and practice. The Department does not have expertise or enforcement authority related to interactions between customers and staff, or customer conduct generally, which typically falls under broader civil rights protections and public accommodations law.
3. **Interagency Coordination:** Because the bill links compliance to liquor license applications and renewals, the Department may need to coordinate closely with the Department of Administrative and Financial Services. The mechanisms for such coordination are not specified in the bill and could benefit from further clarification.

We again want to affirm that workplace sexual harassment remains an all-too-common experience, and unacceptable problem. It can disproportionately affect workers in low-wage and service-sector positions and demands ongoing vigilance and action. Employers, both public and private, must continue to take proactive, visible, and meaningful steps to foster safe and respectful work environments for everyone.

The Maine Department of Labor is committed to supporting efforts that combat harassment, and we remain ready to collaborate with lawmakers, stakeholders, and other state agencies to clarify roles and ensure that any new responsibilities are implemented thoughtfully and effectively.

We appreciate the opportunity to provide this information, and for the committee's consideration. I'd be happy to answer any questions you may have now or at a future work session.

The Maine Department of Labor is committed to serving Maine workers and businesses by helping employers recruit and train a talented workforce, providing workers with skills needed to compete in our economy, assisting individuals when jobs are lost, aiding people with disabilities reach career goals, ensuring safe and fair workplaces for people on the job and providing research and analysis of employment data to support job growth.



Sexual Harassment Education and Training

Training Checklist

Sexual harassment is a form of sex discrimination that violates Title 5. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title 5.

Additional Resources:

Office of Attorney General's Guidance:

http://www.maine.gov/ag/about/harrassment_policy.html

Maine Human Rights Commission Guidance:

http://www.maine.gov/mhrc/guidance/sexual_harrassment.htm

Federal Equal Employment Opportunity Commission Guidance:

<https://www.eeoc.gov/eeoc/publications/upload/fs-sex.pdf>

Federal Statutes:

<https://www.eeoc.gov/laws/statutes/titlevii.cfm>

State of Maine Statutes:

<http://legislature.maine.gov/legis/statutes/5/title5sec4553.html>

Title 26 M.R.S.A. §807 requires employers with 15 or more employees in the workplace to conduct an education and training program for all new employees within one year of commencement of employment that includes a written notice of the illegality of sexual harassment; the definition of sexual harassment under state law; a description of sexual harassment, utilizing examples; the internal complaint process available to the employee; the legal recourse and complaint process available through the Maine Human Rights Commission; directions on how to contact the Commission; and the protection against retaliation as provided pursuant to Title 5, section 4553, subsection 10, paragraph D. Employers shall conduct additional training for supervisory and managerial employees within one year of commencement of employment that includes, at a minimum, the specific responsibilities of supervisory and managerial employees and methods that these employees must take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

MAINE
DEPARTMENT OF
LABOR
Bureau of Labor Standards



THE MAINE HUMAN RIGHTS ACT PROHIBITS SEX DISCRIMINATION

SEXUAL HARASSMENT ON THE JOB IS ILLEGAL

- ✕ UNWELCOME SEXUAL ADVANCES**
- ✕ SUGGESTIVE OR LEWD REMARKS**
- ✕ UNWANTED HUGS, TOUCHES, KISSES**
- ✕ REQUESTS FOR SEXUAL FAVORS**
- ✕ RETALIATION FOR COMPLAINING
ABOUT SEXUAL HARASSMENT**

IF YOU FEEL YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT:

MAINE HUMAN RIGHTS COMMISSION

51 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0051
PHONE (207) 624-6290 FAX (207) 624-8729 TTY: MAINE RELAY 711
www.maine.gov/mhrc

OR CONTACT YOUR PERSONNEL DEPARTMENT: _____
DEPARTMENT / AGENCY CONTACT