



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS

8 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0008

KIRSTEN LC FIGUEROA
COMMISSIONER

JANET T. MILLS
GOVERNOR

LOUIS J. LUCHINI
DIRECTOR

April 16, 2025

Testimony of the Bureau of Alcoholic Beverages and Lottery Operations
Joint Standing Committee on Labor

In Opposition to LD 1554
An Act to Require Sexual Harassment Prevention Training for Restaurant Employees

Senator Tipping, Representative Roeder, and members of the Joint Standing Committee on Labor: I am Anya Trundy, a Deputy Commissioner for the Department of Administrative and Financial Services (DAFS), which is home to the Bureau of Alcoholic Beverages and Lottery Operations (BABLO). I'm here to testify in opposition to the sponsor's proposed amendment to LD 1554, *An Act to Require Sexual Harassment Prevention Training for Restaurant Employees*.

The Bureau of Alcoholic Beverages and Lottery Operations is responsible for managing the wholesale distribution of spirits statewide and operating the Maine Lottery. BABLO is also responsible for the licensing and compliance of thousands of liquor licensees across the state. Many of our licensees are restaurants, and they, just like any other business in Maine, must comply with federal and state workplace laws and regulations, including those pertaining to sexual harassment.

To be clear, the Bureau believes sexual harassment is unacceptable. However, the Bureau is opposed to the sponsor's proposed amendment to the bill because enforcement of compliance with workplace laws and regulations, including those related to sexual harassment, are outside of BABLO's purview and best handled by the Department of Labor. Existing State labor law (26 MRS §807) requires employers with 15 or more employees to adopt a written sexual harassment policy, training for all employees within one year of hire, with additional training for supervisors, and posting of the policy and reporting procedures. These sexual harassment laws currently exist within the larger framework of Title 26 which provides the Department of Labor with the broad-based authority to investigate non-compliance with the entire body of workplace law and regulations, as well as applicable procedural statutes for the enforcement and related due process.

Further, BABLO lacks the subject matter expertise and staff capacity to analyze a restaurant's sexual harassment policy and assess whether the policy is consistent with federal and state law on the subject and is sufficient to satisfy the proposed law. The Bureau is concerned that this amendment could shift employers' responsibility and legal liability for compliance with federal and state sexual harassment laws to the State, if an employer and licensed establishment's policies were found inadequate in the face of sexual harassment claims, but BABLO had issued them a license.

On a more technical note, the amendment applies a sexual harassment policy requirement to restaurants, citing the definition of restaurant in 28-A MRS §2(15)(Q). There are several other establishments eligible for liquor licensing under Title 28-A, Chapter 43 that people may think of as "restaurants." For

example, Class A Restaurants and Class A Restaurant/Lounges are not included in this amendment, though from a consumer's perspective, they are virtually indistinguishable from Restaurants. Several other licensed establishments may have the feel of a restaurant but possess a different license based upon their premises type and associated requirements.

Thank you for your consideration.