



**RETAIL
ASSOCIATION OF
MAINE**
Voice of Maine Retail

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February 22, 2021

Senator Joseph Rafferty, Chair
Representative Michael Sylvester, Chair
Members of the Labor and Housing Committee

RE: Testimony in OPPOSITION to LD 358, An Act to Protect Workers from Unsafe Working Conditions with Regard to Indoor Temperatures

Dear Senator Rafferty, Representative Sylvester and members of the Labor and Housing Committee:

My name is Curtis Picard and I am the President and CEO of the Retail Association of Maine. I am a resident of Topsham. We have more than 350 members statewide and represent retailers of all sizes. Maine's retailers employ more than 85,000 Mainers. I am here today to testify in opposition to LD 358.

We are not aware of any state that has a regulation like this on the books nor are we aware of a significant problem that needs a legislative solution. In retail and many other business sectors, the temperature of an indoor workspace can vary for a number of reasons. The most obvious reason is that different workspaces have different temperatures. For a grocery retailer, for example, you'll have warehousing; food preparation; produce and perishable refrigeration; and entryways where grocery carts are stored. For a retailer that sells farm equipment or automobiles, you are likely to have an area to work on equipment that is likely more open to the outside weather. If you are a candy store than manufactures your own candy, many of those treats require heating the sugar to a working temperature. Additionally, throw in Maine's weather, and you are likely to have temperature fluctuations throughout the year.

Regardless of the intent of this bill, we would wonder how it would be enforced by Maine Department of Labor? If there is a temperature fluctuation on a particular day and a complaint if filed, how would the claim be investigated? Would employers need some sort of record keeping of daily average temperatures? What would happen when a workplace has a broken HVAC system? Would they be liable under these regulations?

We do not see a reason for Maine to consider enacting this legislation and urge the committee to vote LD 358 Ought Not to Pass.

Thank you for the opportunity to share our concerns with you.

Sincerely,

Curtis Picard, CAE, President and CEO