



**Alison Sucey, Director of Government Affairs
On Behalf of the Maine Tourism Association**

In Opposition To

LD 358 An Act To Protect Workers from Unsafe Working Conditions with Regard to Indoor Temperatures

February 22, 2021

Senator Rafferty, Representative Sylvester, and Members of the Joint Standing Committee on Labor and Housing:

My name is Alison Sucey, and I am the Director of Government Affairs for the Maine Tourism Association. I offer this testimony in opposition to LD 358. The Maine Tourism Association is a non-profit, statewide membership association that represents every type of tourism business such as lodging, restaurants and bars, retail, amusements, camps and campgrounds, historical and cultural attractions, and guides and tours.

MTA certainly supports the good intentions of the bill's sponsor which is to prevent employees from spending their working hours in extreme and unsafe temperatures when that could reasonably be avoided. However, I believe this bill is drafted far too broadly and will have harmful unintended consequences.

The use of the term "workplaces," as in "an employer shall maintain indoor temperatures workplaces..." is defined in Title 26 MRSA §1(4) "'Workplace' means any plant, yard, premises, room or other place where an employee or employees are engaged in the performance of labor or service over which the employer has the right of access or control."

My reading of the bill with this definition means that every shed, garage, barn, storage building, and warehouse may have to be insulated and have some type of HVAC system installed to control the temperature. This would be tremendously expensive and unreasonable for buildings that are under an employer's control but employees are only in them for short periods of time—to get out a lawnmower, store kayaks, or unload a box of supplies, for example. An employee may spend an hour going in and out of a storage building to unload boxes of t-shirts but their actual place of work is a temperature-regulated gift shop. This does not warrant a storage building having to be insulated and temperature controlled, as, it would appear, this bill would require.

The bill also appears to cover every type of building, including those that need to be at extreme temperatures such as greenhouses or walk-in freezers. I have no doubt that good people at the Board of Occupational Safety and Health would recognize this, however, they would be subject to the letter the law and legislative intent if this were to pass which could restrict their ability to make practical rules.

I understand the situation the sponsor was trying to address and, again, appreciate the intent. It may be that this is already covered under existing health and safety regulations. If not, this bill is not the solution. For these reasons, I respectfully urge you to vote "Ought Not To Pass" on this bill.

Thank you for your consideration of this testimony.