



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

45 Melville Street, Suite 1
Augusta, ME 04330
Phone: 207.623.1149
www.retailmaine.org

April 8, 2013

Senator John Patrick, Chair
Representative Erin Herbig, Chair
Members of the Labor, Commerce, Research and Economic Development Committee

RE: Testimony in OPPOSITION to LD 1201, An Act to Protect Employees from Abusive Work Environments

Dear Senator Patrick, Representative Herbig and members of the Labor, Commerce, Research and Economic Development Committee:

My name is Curtis Picard and I am the Executive Director of the Retail Association of Maine. I am a resident of Topsham. We have over 400 members statewide and represent retailers of all sizes. Maine's retailers employ nearly 90,000 Mainers. We are here today to testify in opposition to LD 1201, An Act to Protect Employees from Abusive Work Environments.

One of the reasons that workers compensation insurance exists is to compensate employees who are injured in the workplace. The compensable injuries are defined and redefined from time to time. LD 1201 goes well beyond workers' compensation and makes the employer (and potentially other employees) liable for abusive work environments that are not well defined. The ability to bring a civil action above and beyond a workers' compensation claim is not good policy in our opinion.

In Section 4 of the bill, the reasons for Constructive Discharge are incredibly broad. How would the legal system interpret that the employee reasonably believed they were subjected to an abusive workplace? And who would prove that the employer was aware of the conduct, but failed to stop it? We believe this bill would provide a chilling effect to employers who would become targets for frivolous lawsuits.

We urge the committee to vote this bill Ought Not to Pass. Thank you for listening to our concerns.

Sincerely,

Curtis Picard, CAE
Executive Director