

**TESTIMONY OF
Brian Parke
L.D. 553, “An Act To End At-Will
Employment”**



Good morning, Senator Hickman, Representative Sylvester, and members of the Committee on Labor and Housing. My name is Brian Parke and I am the President and CEO of the Maine Motor Transport Association and a resident of Brunswick. The Association is comprised of almost 1,600 member companies, whose employees make up a large portion of the over 33,000 people who make their living in the trucking industry in Maine.

I am submitting written comments today to testify in opposition to LD 553.

From an industry perspective, almost every single one of our trucking members are facing a dire workforce shortage that is causing a significant strain on the supply chain and the cost of goods. To be clear, this is not a complaint because we know other blue-collar professions are facing the same challenges. But it is a reality which causes our industry (and others) to be flexible, inclusive and supportive of our workforce to the greatest extent possible – not heavy-handed when it comes to using Maine’s at-will employment rules to summarily terminate valuable employees without cause.

But in our industry, and likely in others that are federally-regulated, sometimes there is no room for progressive discipline in order to stay in compliance with government regulations. For instance, FMCSA Regulations do not allow disqualified drivers to be used. Examples of this would be if a truck driver refuses a drug test, if they fail to maintain their Commercial Driver’s License (CDL), if a driver is convicted of leaving the scene of an accident, two convictions of excessive speeding, and the list goes on.

We appreciate line 25 of the bill that allows for immediate termination for violation of state law, and would encourage you to expand this to federal law as well for those industries, like ours, that are federally-regulated.

However, even with this recommended inclusion, we reject the notion that there is a significant problem in Maine with employers terminating employees without cause. We would further argue that making this change will only serve to add excessive process for employers to conform to and failure to do so, regardless of intent, will create unnecessary litigation. Most employers currently have company policies that deal with discipline and termination. And let's not forget that Maine already has laws on the books to protect employees from things like discrimination, harassment and retaliation.

Thank you for your consideration and for allowing me to submit written testimony. I would be happy to answer any questions the committee may have at the Work Session.