

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 976

H.P. 690

House of Representatives, March 12, 2013

An Act To Reform Employer-provided Benefits

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PARRY of Arundel.
Cosponsored by Senator HAMPER of Oxford and
Representatives: CHASE of Wells, FITZPATRICK of Houlton, McCLELLAN of Raymond,
SANDERSON of Chelsea, WALLACE of Dexter.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §637** is enacted to read:

3 **§637. Remuneration in lieu of benefits**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 **A.** "Benefit" means remuneration other than salary and wages, including, but not
7 limited to, health insurance and pensions.

8 **B.** "Publicly funded benefit" means a benefit provided pursuant to a state or federal
9 government program.

10 **2. Prohibited actions.** An employer may not provide an employee any
11 remuneration in lieu of a benefit offered to that employee by the employer, when by
12 virtue of refusing that benefit the employee is eligible for and receives a publicly funded
13 benefit.

14 **3. Violation.** An employer that violates subsection 2 commits a civil violation for
15 which a fine of not less than \$500 nor more than \$1,000 for each violation may be
16 adjudged.

17 **4. Injunction.** The Attorney General may bring an action to seek a fine under
18 subsection 3 and may also seek an injunction to enjoin any further violations and may
19 seek any other equitable relief available.

20 **SUMMARY**

21 This bill prohibits an employer from giving an employee remuneration in lieu of an
22 offered benefit when by virtue of refusing that benefit the employee is eligible for and
23 receives a publicly funded benefit, such as health insurance. The penalty for
24 noncompliance is a civil violation for which a fine from \$500 to \$1,000 may be adjudged
25 and appropriate equitable relief sought.