

# MAINE STATE LEGISLATURE

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smg  
H. 004

L.D. 201

Date: 4-24-19

(Filing No. H-149)

MAJORITY  
LABOR AND HOUSING

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 164, L.D. 201, Bill, "An Act To Protect Jobs in the State by Requiring Advance Notice of Closure of Call Centers"

Amend the bill by striking out the title and substituting the following:

**'An Act To Protect Jobs in the State by Strengthening the Advance Notice Requirement for the Relocation or Closure of a Large Business'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**Sec. 1. 26 MRSA §625-B, sub-§§6 and 6-A**, as amended by PL 2015, c. 417, §1, are further amended to read:

**6. Notice of director.** Any person proposing to relocate or close a covered establishment shall notify the director in writing not less than 60 90 days prior to the relocation or closing. A person initiating a mass layoff at a covered establishment shall notify the director as far in advance as practicable, and no later than within 7 days of the layoff, and shall report to the director the expected duration of the layoff and whether it is of indefinite or definite duration. The director shall, from time to time, but no less frequently than every 30 days, require the employer to report such facts as the director considers relevant to determine whether the mass layoff constitutes a closing under this section or whether there is a substantial reason to believe the affected employees will be recalled. A notification or report provided to the director pursuant to this subsection must contain all relevant information in the possession of the employer regarding a potential recall, if applicable.

**6-A. Notice to employees and municipality.** A person proposing to close a covered establishment shall notify employees and the municipal officers of the municipality where the covered establishment is located in writing not less than 60 90 days prior to the closing, unless this notice requirement is waived by the director. ~~A person that violates this provision commits a civil violation for which a fine of not more than \$500 may be adjudged, except that a fine may not be adjudged if the closing is necessitated by a physical calamity or the final order of a federal, state or local government agency, or if~~

**COMMITTEE AMENDMENT**

~~the failure to give notice is due to unforeseen circumstances. A fine imposed pursuant to this subsection may not be collected by the Department of Labor to the extent such collection prevents the violator from making all payments required under subsection 2.~~

**Sec. 2. 26 MRSA §625-B, sub-§9**, as enacted by PL 2007, c. 333, §2, is amended to read:

**9. Penalties.** A person that violates subsection 2 commits a civil violation for which a fine of not more than \$1,000 per violation may be adjudged. Each employee affected constitutes a separate violation. Any such fine may not be collected by the Department of Labor to the extent such collection prevents the violator from making all payments required under subsection 2.

A person that violates subsection 6 or subsection 6-A commits a civil violation for which a fine of \$500 per day may be adjudged, except that a fine may not be adjudged if the closing is necessitated by a physical calamity or the final order of a federal, state or local government agency, or if the failure to give notice is due to unforeseen circumstances. A fine imposed on a person that violates subsection 6-A may not be collected by the Department of Labor to the extent such collection prevents the violator from making all payments required under subsection 2.'

**SUMMARY**

This amendment strikes the bill and replaces it with changes to the law governing the notification requirements for an employer that proposes to close or relocate an industrial or commercial facility that employs 100 or more people. It changes the notification period from 60 days prior to the closure or relocation to 90 days prior, changes the civil penalty from a maximum \$500 fine to a \$500 per day fine and it applies this civil penalty to both failure to notify the Department of Labor and failure to notify the employees and the municipal officers of the municipality where the facility is located.

**FISCAL NOTE REQUIRED**  
(See attached)



Approved: 03/22/19 *MAC*

# 129th MAINE LEGISLATURE

LD 201

LR 729(02)

**An Act To Protect Jobs in the State by Requiring Advance Notice of Closure of Call Centers**

**Fiscal Note for Bill as Amended by Committee Amendment *ACH-149***

**Committee: Labor and Housing**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Minor revenue increase - Other Special Revenue Funds

## Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.