

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 201

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H.P. 164

House of Representatives, January 22, 2019

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

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Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DUNPHY of Old Town.  
Cosponsored by Senator BELLOWS of Kennebec and  
Representatives: COLLINGS of Portland, CUDDY of Winterport, DOORE of Augusta,  
HANDY of Lewiston, HICKMAN of Winthrop, MASTRACCIO of Sanford, SYLVESTER of  
Portland, WARREN of Hallowell.

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

2 **Sec. 1. 26 MRSA c. 43** is enacted to read:

3 **CHAPTER 43**

4 **CALL CENTER RETENTION**

5 **§3501. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms  
7 have the following meanings.

8 **1. Agency.** "Agency" means an executive branch agency of the State.

9 **2. Call center.** "Call center" means a business enterprise that employs, for the  
10 purpose of customer service or back office operations:

11 A. Fifty or more employees, excluding part-time employees; or

12 B. Fifty or more employees who in the aggregate work at least 1,500 hours per week,  
13 excluding overtime hours.

14 **3. Commissioner.** "Commissioner" means the Commissioner of Labor.

15 **4. Employer.** "Employer" means a person, partnership, firm, association or  
16 corporation, public or private, that operates a call center.

17 **5. Part-time employee.** "Part-time employee" means an employee who works an  
18 average of less than 20 hours per week or who has been employed for less than 6 months  
19 during the 12 months preceding the date on which notice is required pursuant to section  
20 3502, subsection 1.

21 **§3502. Notice requirement; list of employers**

22 **1. Notice requirement.** An employer who intends to relocate a call center, or one or  
23 more facilities or operating units within a call center handling at least 30% of the call  
24 center's total call volume for the previous 12 months, from the State to a foreign country  
25 shall notify the commissioner at least 120 days before the relocation.

26 **2. List.** The commissioner shall compile a semiannual list of all employers that  
27 relocate a call center or one or more facilities or operating units within a call center as  
28 described in subsection 1. The commissioner shall distribute the list to all agencies under  
29 the jurisdiction of the commissioner.

30 **3. Penalty.** An employer who fails to notify the commissioner of the relocation of a  
31 call center at least 120 days before the relocation may be assessed a fine of \$10,000 for  
32 each day the employer fails to notify the commissioner, except that the commissioner  
33 may reduce the amount for just cause shown.

1 **§3503. Grants; guaranteed loans; tax benefits**

2 **1. Ineligibility.** Except as provided in subsection 3, and notwithstanding any other  
3 provision of law, an employer who appears on the list described in section 3502,  
4 subsection 2 is ineligible for any direct or indirect state grant, state guaranteed loan or tax  
5 benefit for 5 years after the date the list is compiled.

6 **2. Remit remaining amount.** Notwithstanding any other provision of law, an  
7 employer who appears on the list described in section 3502, subsection 2 shall remit to  
8 the commissioner the unamortized value of any state grant, state guaranteed loan or tax  
9 benefit the employer previously received.

10 **3. Exceptions.** The commissioner, in consultation with the appropriate agency, may  
11 waive the eligibility restriction under subsection 1 if the employer applying for a loan,  
12 grant or tax benefit demonstrates that a lack of a state grant, state guaranteed loan or tax  
13 benefit would result in substantial job loss in the State or harm the environment.

14 **§3504. In-state procurement**

15 An agency head shall ensure that all call center work contracted for by the agency is  
16 performed by contractors or their agents or subcontractors that are located entirely within  
17 the State.

18 **§3505. State benefits for workers**

19 This chapter may not be construed to permit withholding or denial of payments,  
20 compensation or benefits under any other state law, including state unemployment  
21 compensation, disability payments or worker retraining or readjustment funds, from or to  
22 employees employed by employers that relocate to a foreign country. Nothing in this  
23 chapter alters any of the responsibilities of call centers pursuant to section 625-B.

24 **Sec. 2. Contract with State.** An employer who on the effective date of this Act  
25 is under contract with the State to perform call center work and performs that work  
26 outside the State has 2 years to comply with the Maine Revised Statutes, Title 26, chapter  
27 43, except that if the employer adds employees to perform call center work under the  
28 contract, the new employees must immediately be employed within the State.

29 **Sec. 3. Effective date.** This Act takes effect 180 days after adjournment of the  
30 First Regular Session of the 129th Legislature.

31 **SUMMARY**

32 This bill requires a person that operates a call center in the State to provide the  
33 Commissioner of Labor 120 days' notice before relocating the call center or a part of the  
34 call center. If the employer fails to notify the Commissioner of Labor of the relocation of  
35 the call center at least 120 days before the relocation, a daily fine of \$10,000 may be  
36 assessed.

1           The bill requires the Commissioner of Labor to create a list of employers who have  
2           relocated a call center, or a facility or operating unit handling at least 30% of call volume  
3           within a call center, from the State to a foreign country. An employer appearing on the  
4           list is ineligible for a state grant, loan or tax benefit for 5 years and is required to pay back  
5           the unamortized value of a state grant, loan or tax benefit previously issued to the  
6           employer. The bill requires that call center work for executive branch agencies of the  
7           State be performed in the State.