

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 952

S.P. 407

In Senate, March 11, 2025

**An Act to Exempt Agricultural Employers and Employees from the
Maine Paid Family and Medical Leave Benefits Program**

(EMERGENCY)

Received by the Secretary of the Senate on March 6, 2025. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BLACK of Franklin.

Cosponsored by Representatives: COOPER of Windham, CRAY of Palmyra, GUERRETTE of Caribou.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** contributions to the paid family and medical leave benefits program
4 established in the Maine Revised Statutes, Title 26, chapter 7, subchapter 6-C began on
5 January 1, 2025; and

6 **Whereas,** to stop economic harm to individuals employed in agriculture and their
7 employers, contributions must stop and be refunded as soon as possible; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore,

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

13 **Sec. 1. 26 MRSA §850-A, sub-§13,** as enacted by PL 2023, c. 412, Pt. AAA, §7,
14 is amended to read:

15 **13. Employee.** "Employee" means a person who may be permitted, required or
16 directed by an employer in consideration of direct or indirect gain or profit to engage in
17 any employment in the State but does not include an independent contractor or any
18 individual employed in agriculture, as described in the Employment Security Law and the
19 Federal Unemployment Tax Act, 26 United States Code, Section 3311.

20 **Sec. 2. 26 MRSA §850-A, sub-§14,** as enacted by PL 2023, c. 412, Pt. AAA, §7,
21 is amended by amending the first blocked paragraph to read:

22 "Employer" does not include the Federal Government or any person, sole proprietorship,
23 partnership, corporation, association or other business entity that employs individuals in
24 agriculture, as described in the Employment Security Law and the Federal Unemployment
25 Tax Act, 26 United States Code, Section 3311, in this State.

26 **Sec. 3. Department of Labor to refund contributions made by employers**
27 **and self-employed individuals under law.** The Department of Labor shall refund to
28 an employer of individuals in agriculture, as described in the Employment Security Law
29 and the Federal Unemployment Tax Act, contributions made by the employer to the
30 Department of Labor pursuant to the Maine Revised Statutes, Title 26, section 850-F. An
31 employer that deducted a portion of the premium required for an employee from that
32 employee's wages shall remit that portion of the premium to the employee as part of the
33 employee's wage.

34 **Sec. 4. Retroactivity.** Those sections of this Act that amend the Maine Revised
35 Statutes, Title 26, section 850-A, subsections 13 and 14 apply retroactively to October 25,
36 2023.

37 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
38 takes effect when approved.

1

SUMMARY

2 This bill removes any individual employed in agriculture as described by the
3 Employment Security Law and the Federal Unemployment Tax Act from the paid family
4 and medical leave benefits program. The bill requires the Department of Labor to refund
5 contributions made by employers of individuals in agriculture pursuant to the paid family
6 and medical leave benefits program. It requires an employer that deducted a portion of the
7 premium required for an employee from that employee's wages to remit that portion of the
8 premium to the employee as part of the employee's wage.