

# MAINE STATE LEGISLATURE

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L.D. 2306

(Filing No. S- 647)

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STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT " B " to COMMITTEE AMENDMENT "A" to S.P.  
907, L.D. 2306, Bill, "An Act to Promote Economic Development"

Amend the amendment by striking out everything after the  
title and before the statement of fact and inserting in its place  
the following:

'Amend the bill by striking out everything after the  
enacting clause and before the statement of fact and inserting in  
its place the following:

'26 MRSA c. 35 is enacted to read:

CHAPTER 35

WORKERS' EQUITY ACT

§2191. Short title

This chapter is known and may be cited as the Workers'  
Equity Act.

§2192. Hiring priority

A domestic corporation that continues the business of a  
former corporation in the State after a takeover or a takeover  
attempt shall give a first right of hire to fill any subordinate  
official or nonmanagement position in the staffing of the  
corporation to a person employed by the former corporation who  
has been displaced as a direct result of the takeover or takeover  
attempt. A person who performed work for the former corporation  
is presumed to be physically and mentally qualified to perform  
the same or comparable work with the domestic corporation.

2 **§2193. Deprivation of right; cause of action**

4 Any person given a first right of hire by section 2192 who  
6 is deprived of that right by the action or inaction of the  
8 domestic corporation has a cause of action against the domestic  
10 corporation to enforce the right of hire guaranteed by this Act  
12 and may bring such an action in the Superior Court seeking an  
14 order for damages and requiring that the complainant be hired.  
16 Any person whose rights under this Act are found to have been  
18 violated by a domestic corporation shall receive as damages an  
20 award of back pay from the date the person should have been hired  
until the date actually hired or until the claimant declines a  
bona fide offer of employment, plus attorneys' fees and all other  
reasonable costs of litigation. If it is shown that the domestic  
corporation willfully failed to comply with section 2192, in  
whole or in part, for a reason that is contrary to state or  
federal law, the complainant shall receive an award of treble  
damages without any reduction for outside earnings or  
unemployment benefits.

22 **§2194. New career training assistance**

24 1. Definitions. As used in this section, unless the  
26 context otherwise indicates, the following terms have the  
following meanings.

28 A. "Expenses" means actual expenses paid for room, board,  
30 tuition fees or educational material.

32 B. "Qualified institution" means any educational  
34 institution accredited for payment by the Veterans'  
36 Administration under 38 United States Code, Chapter 36, or  
any state-accredited institution that has been in existence  
for not less than 2 years.

38 2. Entitlement. Any employee qualifying under section 2192  
40 who applies for but is unable to secure a subordinate official or  
42 nonmanagement position in the staffing of the domestic  
corporation is entitled to expenses for training for new career  
opportunities at qualified institutions from the domestic  
corporation.

44 3. Training to begin within 2 years. To be entitled to  
46 assistance under this Act, an employee must begin the course of  
48 training within the 2 years following separation from the  
domestic corporation.

50 4. Benefit amounts. Affected employees are entitled to the  
52 following benefits for retraining according to their years of  
service with the former corporation:


SENATE AMENDMENT " B" to COMMITTEE AMENDMENT "A" to S.P. 907,  
L.D. 2306

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- A. For 0 to 5 years of service, up to \$3,000;
- B. For 5 to 10 years of service, up to \$6,000;
- C. For 10 to 15 years of service, up to \$9,000;
- D. For 15 to 20 years of service, up to \$12,000; and
- E. For 20 years of service and over, up to \$15,000.'

**STATEMENT OF FACT**

This amendment replaces the committee amendment to the bill. This amendment promotes the retention of qualified employees who are affected by changes in corporate management and promotes economic development through the provision of training and education.

(Senator MATTHEWS)  
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