

MAINE STATE LEGISLATURE

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L.D. 523

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DATE:4/25/95

(Filing No. H- 140)

MAJORITY
LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 388, L.D. 523, Bill, "An Act Concerning Sick Leave and Vacation Benefits"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 26 MRSA §626-A, as amended by PL 1993, c. 648, §1, is further amended to read:

§626-A. Penalties

Whoever violates any of the provisions of sections 621 to 623 or section 626, 628, 629 or 629-B or 636 is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.

Any An employer is liable to the employee or employees for ~~the amount of~~ all unpaid wages and health benefits. Upon a judgment being rendered in favor of any employee or employees, in any an action brought to recover unpaid wages or health benefits under this subchapter, ~~such~~ the judgment includes, in addition to the unpaid wages or health benefits adjudged to be due, a reasonable rate of interest, costs of suit including a reasonable attorney's fee, and an additional amount equal to twice the amount of unpaid wages as liquidated damages.

COMMITTEE AMENDMENT

2 The action for unpaid wages or health benefits may be
4 brought by either the affected employee or employees or by the
6 Department of Labor. The Department of Labor is further
8 authorized to supervise the payment of the judgment, collect the
10 judgment on behalf of the employee or employees and collect fines
incurred through violation of this subchapter. When the
Department of Labor brings an action for unpaid wages or health
benefits, this action and an action to collect a civil forfeiture
may both be joined in the same proceeding.'

12 Further amend the bill by inserting at the end before the
14 statement of fact the following:

'Sec. 2. Appropriation. The following funds are appropriated
16 from the General Fund to carry out the purposes of this Act.

18 1995-96

20 **LABOR, DEPARTMENT OF**

22 **Bureau of Labor Standards**

24 All Other \$11,259

26 Provides funds to cover the
28 costs associated with
30 modifying and distributing
the Regulation of Employment
Poster.'

32 Further amend the bill by inserting at the end before the
34 statement of fact the following:

36 **FISCAL NOTE**

38 1995-96

40 **APPROPRIATIONS/ALLOCATIONS**

42 General Fund \$11,259

44 This bill will require the revision of the Regulation of
46 Employment Poster by the Department of Labor, Bureau of Labor
Standards. A General Fund appropriation of \$11,259 in fiscal
48 year 1995-96 is required for printing and mailing costs. If
other bills are enacted that also require changes to the
Regulation of Employment Poster, the cost properly allocated to
this bill can be reduced.

R.03.

COMMITTEE AMENDMENT "A" to H.P. 388, L.D. 523

2 This bill also establishes a new civil violation. The
4 additional workload and administrative costs associated with the
6 minimal number of new cases filed in the court system can be
absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
General Fund revenue by minor amounts.'

8
10 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

12
14 **STATEMENT OF FACT**

16 This amendment adds a penalty provision as a means of
18 ensuring compliance with the requirement in the bill to have a
written policy describing sick leave and vacation benefits.
Whoever violates the requirement is subject to a forfeiture of
20 \$100 to \$500 for each violation. The amendment also adds a
fiscal note to the bill.