

MAINE STATE LEGISLATURE

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2098

L.D. 944

DATE: 5-20-99

(Filing No. H-642)

MAJORITY
LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 688, L.D. 944, Bill, "An Act to Protect Victims of Crimes in the Workplace"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 26 MRSA §850 is enacted to read:

§850. Employment leave for victims of violence

1. Required leave. An employer must grant reasonable and necessary leave from work, with or without pay, for an employee to:

A. Prepare for and attend court proceedings;

B. Receive medical treatment; or

C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter 101. An employer may not sanction an employee or deprive an employee of pay or benefits for exercising a right granted by this section.

2. Exceptions. Subsection 1 is not violated if:

A. The employer would sustain undue hardship from the victim's absence;

COMMITTEE AMENDMENT

1.948

COMMITTEE AMENDMENT "A" to H.P. 688, L.D. 944

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B. The request for leave is not communicated to the employer within a reasonable time under the circumstances; or

C. The requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the employer.

3. Civil penalties. The Department of Labor may assess civil penalties of up to \$200 for each violation of this section, if notice of the violation was given to the employer and the department within 6 months of the occurrence.'

Sec. 2. Notice. The Bureau of Labor Standards shall include notice of the provisions of this Act in its next reprinting of the Regulation of Employment poster.

Sec. 3. Report. The Department of Labor shall report back to the Joint Standing Committee on Labor regarding workplace safety as it pertains to violent crime by December 31, 1999. The committee is authorized to report out legislation to the Second Regular Session of the 119th Legislature in response to the report.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1999-00

LABOR, DEPARTMENT OF

Administration - Bureau of Labor Standards

All Other \$9,500

Provides funds on a one-time basis for the cost of adopting rules and holding public hearings and forums related to the granting of leave for employees who are victims of violence and abuse.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

1999-00

COMMITTEE AMENDMENT

104E

APPROPRIATIONS/ALLOCATIONS

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General Fund \$9,500

This bill includes a one-time General Fund appropriation of \$9,500 in fiscal year 1999-00 for the Department of Labor to adopt rules and hold public hearings and forums to inform employers of new requirements related to the authorization of leaves for employees who are victims of violent crimes or abuse.

The bill also increases the enforcement responsibilities of the Department of Labor related to the investigation of employers' compliance with granting leave to employees who are victims of violent crimes or abuse. Since the incidence of these violations can not be predicted, the additional General Fund appropriations that may be required for enforcement activities and for additional legal services that will be required by the department from the Department of the Attorney General can not be determined.

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

The additional costs associated with updating its Regulation of Employment poster can be absorbed by the Department of Labor utilizing existing budgeted resources. However, without additional General Fund appropriations for the cost to mail the poster to all employers in the State, estimated to be \$11,000, distribution of the poster to all but a few employers will not be possible.

The additional costs associated with reporting to the Legislature on workplace safety as it pertains to violent crime can be absorbed by the Department of Labor utilizing existing budgeted resources.'

SUMMARY

This amendment is a majority report and replaces the bill. It requires an employer to allow an employee who is a victim of violent crime or abuse to take leave from work to participate in legal proceedings, obtain medical treatment and obtain other necessary services arising from the crime or abuse. An employer

R. G. S.

COMMITTEE AMENDMENT "A" to H.P. 688, L.D. 944

2 who fails to grant paid or unpaid leave for these purposes is
subject to a \$200 civil penalty, to be assessed by the Department
4 of Labor. The employer is not considered to be in violation of
the law if the leave would cause undue hardship, is not requested
6 in a timely manner, or is impractical, unreasonable or
unnecessary.

8 The amendment requires the Department of Labor to include
notice of this law in its next reprinting of the regulation of
10 employment poster. It also requires the department to report
back to the Joint Standing Committee on Labor regarding workplace
12 safety relating to violent crime.

14 The amendment also adds an appropriation section and a
fiscal note to the bill.

COMMITTEE AMENDMENT