

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 187, L.D. 198, Bill, "An Act to Provide Notice of Termination Status"

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 §42-B is enacted to read:

§42-B. Bureau to furnish poster or notice outlining state labor laws

1. Bureau to furnish poster or notice. The bureau shall produce and furnish to employers posters or notices in printed form outlining state labor laws applicable to those employers and regulating:

- A. Employment of minors;
- B. Time of payment of wages;
- C. Safety and health of employees; and
- D. Family medical leave.

The posters or notices may also include such other laws as may be required or useful.

COMMITTEE AMENDMENT

2 2. Notice of cause for termination. The bureau shall
3 include in one of the posters or notices under subsection 1 the
4 following information regarding at-will employment:

5 Under Maine law, an at-will employee may be terminated for
6 any reason not specifically prohibited by law. In most
7 instances, you are an at-will employee unless you are
8 covered by a collective bargaining agreement or other
9 contract that limits termination. If you have questions
10 about at-will employment, contact your human resources
11 department or the State Department of Labor, Bureau of Labor
12 Standards.

13 3. Employer to post notice. An employer subject to the
14 laws outlined in the printed poster or notice shall post and keep
15 posted in a place accessible to the employer's employees a copy
16 of the printed poster or notice furnished by the bureau. An
17 employer who violates this section is subject to the penalties
18 set forth in section 704.

19 **Sec. 2. 26 MRSA §701,** as amended by PL 1989, c. 738, §1, is
20 repealed.

21 **Sec. 3. 26 MRSA §702,** as amended by PL 1991, c. 544, §2, is
22 further amended to read:

23 **§702. Record of work hours of minors under 16 years of age**

24 Every employer shall keep a time book or record for every
25 minor under 18 years of age employed in any occupation, except
26 the planting, cultivating or harvesting of field crops or other
27 agricultural employment not in direct contact with hazardous
28 machinery or hazardous substances, or household work, stating the
29 number of hours worked by each minor under 18 years of age on
30 each day of the week. The time book or record must be open at
31 all reasonable hours to the inspection of the director, a
32 director's deputy or any authorized agent of the bureau. Any
33 employer who fails to keep the record required by this section or
34 makes any false entry to the record, or refuses to exhibit the
35 time book or record or makes any false statement to the director,
36 a director's deputy or any authorized agent of the bureau in
37 reply to any question in carrying out section 701 ~~42-B~~ and this
38 section is liable for a violation of this section and section 701
39 ~~42-B~~.

40 **Sec. 4. 26 MRSA §704, sub-§§1 and 2,** as repealed and replaced
41 by PL 1991, c. 544, §3, are amended to read:

42 **1. Strict liability.** An employer who violates either
43 section 701 ~~42-B~~ or 702 is subject to the following forfeiture or
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COMMITTEE AMENDMENT "A" to H.P. 187, L.D. 198

civil penalty, payable to the State and recoverable in a civil action:

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A. For the first violation or a violation not subject to an enhanced sanction under paragraph B or C, a forfeiture of not less than \$50 nor more than \$250;

B. For a 2nd violation occurring within 3 years of a prior adjudication, a forfeiture of not less than \$100 nor more than \$1,000; or

C. For a 3rd and subsequent violation occurring within 3 years of 2 or more prior adjudications, a forfeiture or penalty of not less than \$250 nor more than \$2,500.

2. Adjudications. As used in this section, a prior adjudication includes a consent decree that contains an admission of a violation. The dates of prior adjudications for any violation of sections 701 42-B and 702 or a combination must precede the commission of the violation being enhanced, although prior adjudications involving a combination may have occurred on the same day. The date of any adjudication is the date the forfeiture or penalty is adjudged or the consent decree allowed, even though an appeal was taken.

Sec. 5. Change in printed posters or notices. The Department of Labor shall incorporate the information regarding at-will employment required under the Maine Revised Statutes, Title 1, section 42-B, subsection 2 in the next reprinting of the printed poster or notice in which the information is to be included.'

SUMMARY

This amendment moves to a more appropriate place in the statutes the law requiring the Department of Labor, Bureau of Labor Standards to produce and distribute posters or notices regarding regulation of employment, which all employers are required to post. It also adds to the poster or notice language explaining that, unless covered by a collective bargaining agreement or other contract, employees are generally "at-will employees" and may be terminated from their jobs for any reason not specifically prohibited by law. It also corrects cross-references.

COMMITTEE AMENDMENT