

# MAINE STATE LEGISLATURE

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H. of S.

L.D. 561

DATE: 4-13-04

(Filing No. H-900)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND SPECIAL SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 424, L.D. 561, Bill, "An Act To Improve Standards for Public Assistance to Employers in the State"

Amend the amendment by striking out all of sections 1 to 3 and inserting in their place the following:

'Sec. 1. 36 MRSA §6652, sub-§§4 and 5 are enacted to read:

4. Bankruptcy. A person who is a debtor in a bankruptcy proceeding pending in United States Bankruptcy Court at the time reimbursement would be paid is not eligible for reimbursement under this chapter.

5. Wage, compliance and return-to-employment standards. In order to be eligible for reimbursement pursuant to this chapter, a claimant must:

A. Certify upon filing a claim for reimbursement that every employee of the claimant receives a living wage and that the claimant is in compliance with all federal, state and local laws. For purposes of this subsection, "living wage" means a wage, calculated on a calendar-year basis, that is at least sufficient to meet the annual basic needs budget as most recently published by the Executive Department, State Planning Office;

B. Pay a living wage to every employee of the claimant. This paragraph and the certification requirement in paragraph A relating to receipt of a living wage do not apply if the claimant does not qualify for reimbursement for more than \$20,000 in a year;

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2 C. Following the termination of any strike or lockout  
4 involving its employees, return to their former jobs all  
6 employees who wish to be returned to their former jobs; and

6 D. Comply with all federal, state and local laws.

8 The bureau may adopt routine technical rules pursuant to Title 5,  
10 chapter 375, subchapter 2-A to implement the provisions of this  
12 subsection. The bureau shall suspend or terminate reimbursement  
14 of a claimant if that claimant fails to file certification as  
16 required by this subsection or if the bureau determines that the  
18 certification is false or inaccurate. The bureau shall implement  
20 this subsection using existing budgeted resources. A claimant  
22 that violates the living wage standard under this subsection  
shall reimburse the State for any reimbursement received during  
the period of noncompliance. A claimant that willfully violates  
a provision of this subsection shall reimburse the State for any  
reimbursement received during the reimbursement period in which  
the violation occurred plus a penalty equal to the amount of any  
reimbursement received during that reimbursement period in  
addition to any other penalty required by law.'

24 Further amend the amendment by relettering or renumbering  
26 any nonconsecutive Part letter or section number to read  
28 consecutively.

30 **SUMMARY**

32 This amendment limits the application of the bill to the  
34 program that provides reimbursement for taxes paid on certain  
36 business property and exempts from the living wage requirement a  
38 claimant that does not qualify for reimbursement for more than  
40 \$20,000 in a year. It strikes provisions relating to retirement  
and health benefits and requires the Department of Administrative  
and Financial Services, Bureau of Revenue Services to implement  
the law using existing budgeted resources.

42 SPONSORED BY:   
44 (Representative HUTTON)

46 TOWN: Bowdoinham

FISCAL NOTE REQUIRED  
(See attached)

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 561**

**An Act to Improve Standards for Public Assistance to Employers in the State**

**LR 1652(04)**

**Fiscal Note for House Amendment " " to Committee Amendment " "**

**Sponsor: Rep. Hutton**

**Fiscal Note Required: Yes**

**Fiscal Note**

	<b>2003-04</b>	<b>2004-05</b>	<b>Projections 2005-06</b>	<b>Projections 2006-07</b>
<b>Net Cost (Savings)</b>				
General Fund	\$0	(\$134,369)	(\$128,466)	(\$135,017)
<b>Appropriations/Allocations</b>				
General Fund	\$0	(\$134,369)	(\$128,466)	(\$135,017)

**Fiscal Detail and Notes**

This amendment eliminates a General Fund appropriation of \$66,770 in fiscal year 2004-05 for Maine Revenue Services for one Revenue Agent position and related costs to audit the affected businesses. It also requires Maine Revenue Services to implement the additional requirements utilizing existing budgeted resources.

This amendment also eliminates the General Fund appropriation of \$67,599 in fiscal year 2004-05 for one Development Project Officer position and related all other costs associated with the Department of Economic and Community Development enforcing the certification of the wage and benefit requirements.