

# MAINE STATE LEGISLATURE

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016

L.D. 7

DATE: 4/5/05

(Filing No. H-107)

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**LABOR**

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14 **STATE OF MAINE**  
16 **HOUSE OF REPRESENTATIVES**  
18 **122ND LEGISLATURE**  
20 **FIRST REGULAR SESSION**

22 COMMITTEE AMENDMENT "A" to H.P. 12, L.D. 7, "Resolve,  
24 Regarding Legislative Review of Chapter 15: Rules Relating to  
26 Severance Pay, a Major Substantive Rule of the Department of  
28 Labor, Bureau of Labor Standards"

30 Amend the resolve by striking out all of the emergency  
32 preamble (page 1, lines 1 to 20 in L.D.)

34 Further amend the resolve in section 1 in the last line  
36 (page 1, line 27 in L.D.) by striking out the following:  
38 "authorized." and inserting in its place the following:  
40 'authorized only if the rule is modified as follows:'

42 Further amend the resolve in section 1 by inserting at the  
44 end the following:

46 'Section II, subsection C is modified to add language  
providing that, if the director's determination of a covered  
establishment's date of termination or relocation is based  
primarily on the fact that the covered establishment has on that  
date reduced its number of employees, number of work hours or  
production to less than 50% of that of the same time period one  
year earlier, as described in factors 3, 4 and 5 of subsection A,  
the director's determination is a presumption that may be  
overcome by evidence that the covered establishment's operations  
did not substantially cease on that date.'

Further amend the resolve by striking out all of the  
emergency clause (page 1, lines 29 and 30 in L.D.)

**COMMITTEE AMENDMENT**

R.O.S.

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**SUMMARY**

This amendment approves adoption of Chapter 15: Rules Relating to Severance Pay by the Department of Labor, Bureau of Labor Standards with 2 changes:

1. The amendment strikes out the emergency preamble and emergency clause of the resolve; and

2. The amendment requires modification of Chapter 15 to provide that, if the director's determination of a covered establishment's date of termination or relocation is based primarily on the fact that the covered establishment has on that date reduced its number of employees, number of work hours or production to less than 50% of that of the same time period one year earlier, the director's determination is a presumption that may be overcome by evidence that the covered establishment's operations did not substantially cease on that date.

**FISCAL NOTE REQUIRED**  
(See attached)



# 122nd MAINE LEGISLATURE

LD 7

LR 0880(02)

**Resolve, Regarding Legislative Review of Chapter 15: Rules Relating to Severance Pay, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Labor**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund