

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 9

H.P. 12

House of Representatives, January 8, 2015

An Act To Retain Call Centers in Maine

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative SHORT of Pittsfield.
Cosponsored by Senator PATRICK of Oxford and Representatives: CAMPBELL of Newfield, GILBERT of Jay, HARLOW of Portland, MARTIN of Eagle Lake, NADEAU of Winslow, NOON of Sanford, PETERSON of Rumford, SHAW of Standish.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA c. 43** is enacted to read:

3 **CHAPTER 43**

4 **CALL CENTER RETENTION**

5 **§3501. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Agency.** "Agency" means an executive branch agency of the State.

9 **2. Call center.** "Call center" means a business enterprise that employs, for the
10 purpose of customer service or back office operations:

11 A. Fifty or more employees, excluding part-time employees; or

12 B. Fifty or more employees who in the aggregate work at least 1,500 hours per week,
13 excluding overtime hours.

14 **3. Commissioner.** "Commissioner" means the Commissioner of Labor.

15 **4. Employer.** "Employer" means a person, partnership, firm, association or
16 corporation, public or private, that operates a call center.

17 **5. Part-time employee.** "Part-time employee" means an employee who works an
18 average of less than 20 hours per week or who has been employed for less than 6 months
19 during the 12 months preceding the date on which notice is required pursuant to section
20 3502, subsection 1.

21 **§3502. Notice requirement; list of employers**

22 **1. Notice requirement.** An employer that intends to relocate a call center, or one or
23 more facilities or operating units within a call center handling at least 30% of the call
24 center's total call volume for the previous 12 months, from the State to a foreign country
25 shall notify the commissioner at least 60 days before the relocation.

26 **2. List.** The commissioner shall semiannually compile a list of all employers that
27 have relocated a call center, or one or more facilities or operating units within a call
28 center as described in subsection 1, since the compilation of any previous list. The
29 commissioner shall distribute the list to all agencies under the jurisdiction of the
30 commissioner.

31 **3. Penalty.** An employer that fails to notify the commissioner of the relocation of a
32 call center at least 60 days before the relocation may be assessed a fine of \$350 for each
33 day the employer fails to notify the commissioner, except that the commissioner may
34 reduce the amount for just cause shown.

1 **§3503. Grants; guaranteed loans; tax benefits**

2 **1. Ineligibility.** Except as provided in subsection 3, and notwithstanding any other
3 provision of law, an employer that appears on a list described in section 3502, subsection
4 2 is ineligible for any direct or indirect state grant, state guaranteed loan or state tax
5 benefit for 2 years after the date the list that the employer appears on is compiled.

6 **2. Remit remaining amount.** Notwithstanding any other provision of law, an
7 employer that appears on a list described in section 3502, subsection 2 shall remit the
8 unamortized value of any state grant, state guaranteed loan or state tax benefit the
9 employer previously received to the commissioner.

10 **3. Exceptions.** The commissioner, in consultation with the appropriate agency, may
11 waive the eligibility restriction under subsection 1 if the employer applying for a state
12 grant, state guaranteed loan or state tax benefit demonstrates that the lack of the grant,
13 loan or benefit would result in substantial job loss in the State or harm the environment.

14 **§3504. In-state procurement**

15 An agency head shall ensure that all call center work contracted for by the agency is
16 performed by contractors or their agents or subcontractors located entirely within the
17 State.

18 **§3505. State benefits for workers**

19 This chapter may not be construed to permit withholding or denial of payments,
20 compensation or benefits under any other state law, including state unemployment
21 compensation, disability payments and worker retraining and readjustment funds, from or
22 to employees employed by employers that relocate to a foreign country.

23 **Sec. 2. Contract with State.** An employer that on the effective date of this Act is
24 under contract with the State to perform call center work and performs that work outside
25 the State has 2 years to comply with the Maine Revised Statutes, Title 26, chapter 43,
26 except that if the employer adds employees to perform call center work under the
27 contract, the new employees must immediately be employed within the State.

28 **Sec. 3. Effective date.** This Act takes effect 180 days after adjournment of the
29 First Regular Session of the 127th Legislature.

30 **SUMMARY**

31 This bill requires the Commissioner of Labor to create a list of employers that have
32 relocated a call center, or a facility or operating unit handling at least 30% of the call
33 volume within a call center, from the State to a foreign country. An employer appearing
34 on the list is ineligible for a state grant, loan or tax benefit for 2 years. The bill also
35 requires the employer to pay back the unamortized value of a state grant, loan or tax
36 benefit previously issued to the employer. The bill requires that call center work for
37 executive branch agencies of the State be performed in the State. If the employer fails to

1 notify the Commissioner of Labor of the relocation of a call center at least 60 days before
2 the relocation, a daily fine of \$350 may be assessed.