

MAINE STATE LEGISLATURE

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L.D. 921

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Date: 5/29/15

(Filing No. H-240)

Minority

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LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

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127TH LEGISLATURE

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FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "B" to H.P. 640, L.D. 921, Bill, "An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take Necessary Leave from Employment"

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

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'Sec. 1. 26 MRSA §850, sub-§3, as enacted by PL 1999, c. 435, §1, is amended to read:

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3. Penalties. ~~The~~ If notice of a violation of this section is given to the employer and the Department of Labor within 6 months of the occurrence, 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, as follows:

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A. For denial of leave in violation of this section, a fine of up to \$1,000 for each violation of this section may be assessed. A fine assessed under this paragraph must be paid to the Treasurer of State. Additionally, the employer shall pay liquidated damages to the affected individual in an amount equal to 3 times the amount of total assessed fines; and

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B. For termination in connection with an individual exercising a right granted by this section, the affected individual may elect to receive:

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(1) Liquidated damages pursuant to paragraph A; or

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(2) Reemployment with the employer with back wages.

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Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

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LABOR, DEPARTMENT OF

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Regulation and Enforcement 0159

Initiative: Provides funds for a half-time Labor and Safety Inspector position and related All Other costs associated with the additional enforcement requirements.

GENERAL FUND	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$23,867	\$32,372
All Other	\$22,600	\$22,600
GENERAL FUND TOTAL	<u>\$46,467</u>	<u>\$54,972</u>

SUMMARY

This amendment, which is the minority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, strikes the bill and replaces it with changes to the penalties that may be assessed for violations of the employment leave for victims of violence law, as follows.

1. It increases the fine from up to \$200 per violation to up to \$1,000 per violation and provides that the fine applies only to denials of leave in violation of the law.

2. It provides that, for denial of leave in violation of the law, the employer must pay the affected individual an amount 3 times the total assessed fines.

3. It provides that, for termination in connection with exercising a right granted under the law, the affected individual may choose either to receive an amount 3 times the total assessed fines or reemployment with the employer with back wages.

The amendment also adds an appropriations and allocations section to the bill.

FISCAL NOTE REQUIRED

(See attached)

**127th MAINE LEGISLATURE****LD 921****LR 1243(02)****An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take
Necessary Leave from Employment**

Fiscal Note for Bill as Amended by Committee Amendment B (H-240)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue increase - General Fund

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	\$46,467	\$54,972	\$56,267	\$57,614
Appropriations/Allocations				
General Fund	\$46,467	\$54,972	\$56,267	\$57,614

Fiscal Detail and Notes

This bill includes General Fund appropriations of \$46,467 in fiscal year 2015-16 and \$54,972 in fiscal year 2016-17 to the Regulation and Enforcement program within the Department of Labor for one half-time Labor and Safety Inspector position and related All Other costs associated with the additional enforcement activity expected to occur as a result of this legislation.

According to the Department of Labor, increasing the penalty to employers that violate the employment leave for victims of violence law to include the requirement that employers pay liquidated damages or reinstate affected individuals with back wages if that individual was terminated will result in more complaints being filed that will require more enforcement activity by the Bureau of Labor Standards.

Increasing the penalty that may be assessed for a violation from \$200 per violation to \$1,000 per violation may result in increased General Fund revenue from penalties. The amount will depend on actual experience.