

MAINE STATE LEGISLATURE

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Date: 5/31/17

L.D. 1477
(Filing No. H-344)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1016, L.D. 1477, Bill, "An Act To Coordinate and Enforce Existing Workplace Training Requirements"

Amend the bill in section 2 in §807 in subsection 1 in the 6th line (page 1, line 14 in L.D.) by striking out the following: "shall" and inserting the following: 'shall may'

Amend the bill in section 2 in §807 by striking out all of subsections 4 and 5 (page 2, lines 8 to 22 in L.D.) and inserting the following:

4. Compliance checklist. The department shall develop a compliance checklist for employers covering the requirements under subsection 3. The checklist must be made available on the department's publicly accessible website. The commission shall provide a link to the compliance checklist on the commission's publicly accessible website. Employers shall use the checklist to develop a sexual harassment training program and shall keep a record of the training, including a record of employees who have received the required training. Training records must be maintained for at least 3 years and must be made available for department inspection upon request.

5. Enforcement. The department shall enforce the notification requirement under this section and, upon inspection or complaint, shall ensure that employers have provided the training as required by subsection 3. If the department has determined that an employer has complied with the provisions of this subchapter, that determination and all completed department enforcement actions are considered final. Department actions under this subchapter do not limit or affect the authority or jurisdiction of the commission.

The commission may request department enforcement records related to a complaint filed with the commission when the complaint is related to this subsection. Such records are subject to section 3.'

SUMMARY

This amendment makes the following changes to the bill.

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to H.P. 1016, L.D. 1477

1 1. It provides that the Maine Human Rights Commission may provide its sexual
2 harassment workplace poster at no cost to employers, instead of being required to do so.

3 2. It replaces the requirement that the Maine Human Rights Commission provide
4 employers with a training guide and instead directs the Department of Labor to develop a
5 compliance checklist and post it on the department's website. Employers must use the
6 checklist to develop their required sexual harassment training program. Employers must
7 keep a record of the training, including a record of employees who have received the
8 required training, must maintain training records for 3 years and must make such records
9 available to the department for inspection.

10 3. It removes the provision that would have prevented the Maine Human Rights
11 Commission from challenging a determination or completed enforcement action by the
12 Department of Labor related to the sexual harassment training requirements and provides
13 that such actions do not limit or affect the authority or jurisdiction of the commission.

FISCAL NOTE REQUIRED
(See attached)



Approved: 05/25/17 *MAC*

128th MAINE LEGISLATURE

LD 1477

LR 713(02)

An Act To Coordinate and Enforce Existing Workplace Training Requirements

Fiscal Note for Bill as Amended by Committee Amendment "A (H-344)"
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Current biennium revenue increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Labor to enforce the notification, poster, education and training requirements related to sexual harassment in the workplace and to provide the required compliance checklist can be absorbed within existing budgeted resources. Additional revenue that may accrue to the General Fund from the penalties assessed to employers that violate the provisions of this legislation can not be determined at this time.