

# MAINE STATE LEGISLATURE

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SAL  
ROS

L.D. 610

Date: 6-2-21

(Filing No. H-316)

MAJORITY  
LABOR AND HOUSING

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 446, L.D. 610, "An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee"

Amend the bill by inserting after section 1 the following:

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

**LABOR, DEPARTMENT OF**

**Regulation and Enforcement 0159**

Initiative: Provides funds for one half-time Labor and Safety Inspector position and related All Other costs associated with enforcement of the limitation on the recovery of overcompensation paid to an employee in error.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$40,172	\$54,999
All Other	\$2,645	\$2,645
<b>GENERAL FUND TOTAL</b>	<b>\$42,817</b>	<b>\$57,644</b>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)

**COMMITTEE AMENDMENT**



# 130th MAINE LEGISLATURE

LD 610

LR 965(02)

## An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee

Fiscal Note for Bill as Amended by Committee Amendment *ACH-316*

Committee: Labor and Housing

Fiscal Note Required: Yes

### Fiscal Note

Potential current biennium cost increase - All funds

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	\$42,817	\$57,644	\$59,404	\$61,200
<b>Appropriations/Allocations</b>				
General Fund	\$42,817	\$57,644	\$59,404	\$61,220

#### Fiscal Detail and Notes

This bill includes ongoing General Fund appropriations of \$42,817 in fiscal year 2021-22 and \$57,644 in fiscal year 2022-23 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 enforcing the limitation on the recovery of overcompensation paid to an employee in error. This estimate assumes an effective date of October 1, 2021.

Reducing the maximum amount an employer may withhold from an employee's pay to recover overcompensation from 10% to 5% and prohibiting an employer from recovering more than the amount of overcompensation paid to an employee due to an error by the employer in the 3 years preceding the discovery of the overcompensation may mean recovery in some cases is never accomplished, increasing costs to all employers. It is not possible to estimate the amounts of future overcompensation that may never be recovered by state departments and agencies because of this bill.