

# MAINE STATE LEGISLATURE

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Date: 5/18/21

(Filing No. H-193)

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. 989, L.D. 1338, "An Act To Protect Employees' Exercise of Workplace Rights"

Amend the bill by striking out the title and substituting the following:

**'An Act To Prohibit Employers from Retaliating against the Use of Earned Paid Leave'**

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

**'Sec. 1. 26 MRSA §637, sub-§13 is enacted to read:**

**13. Prohibited acts. An employer may not:**

A. Interfere with, restrain or deny the exercise of or the attempt to exercise any right provided by this section;

B. Discharge, fine, suspend, expel, discipline or in any other manner discriminate against an employee for exercising any right provided by this section; or

C. Discharge, fine, suspend, expel, discipline or in any other manner discriminate against an employee for informing a person of the person's potential rights under this section.

**Sec. 2. Review; report.** The Department of Labor shall review provisions in the Maine Revised Statutes, Title 26, chapter 7 relating to retaliation against employees for the use of rights granted to employees under that chapter. The department shall submit a report detailing its review to the Joint Standing Committee on Labor and Housing no later than January 1, 2022. The report must include suggested legislation to create a uniform anti-retaliation statute covering all rights granted to employees within chapter 7, including the repeal or amendment of statutes as necessary. The Joint Standing Committee on Labor and Housing may report out a bill related to the report to the Second Regular Session of the 130th Legislature.

R O F S

COMMITTEE AMENDMENT "A" to H.P. 989, L.D. 1338

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Regulation and Enforcement 0159**

Initiative: Provides ongoing funds for one Labor and Safety Inspector position and related All Other costs associated with the enforcement of the law prohibiting employers from retaliating against employees for the use of earned paid leave.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$63,597	\$87,667
All Other	\$5,289	\$5,289
<b>GENERAL FUND TOTAL</b>	<b>\$68,886</b>	<b>\$92,956</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, replaces the bill. It adds language prohibiting employers from retaliating against employees for the use of earned paid leave. It also directs the Department of Labor to review provisions in the Maine Revised Statutes, Title 26, chapter 7 relating to retaliation and submit a report, including any suggested legislation, to the Joint Standing Committee on Labor and Housing no later than January 1, 2022. The joint standing committee may report out a bill to the Second Regular Session of the 130th Legislature. The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)



# 130th MAINE LEGISLATURE

LD 1338

LR 810(02)

An Act To Protect Employees' Exercise of Workplace Rights

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-193)  
 Committee: Labor and Housing  
 Fiscal Note Required: Yes

## Fiscal Note

Minor revenue increase - General Fund  
 Minor revenue increase - Other Special Revenue Funds

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$68,886	\$92,956	\$95,761	\$98,656
Appropriations/Allocations				
General Fund	\$68,886	\$92,956	\$95,761	\$98,656

### Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system.  
 The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.  
 The collection of additional filing fees may increase General Fund and other dedicated revenue by minor amounts.

### Fiscal Detail and Notes

This bill includes General Fund appropriations of \$68,886 in fiscal year 2021-22 and \$92,956 in fiscal year 2022-23 to the Regulation and Enforcement program within the Department of Labor for one Labor and Safety Inspector position and related All Other costs associated with the enforcement of the law that prohibits employers from retaliating against employees for the use of earned paid leave. This fiscal note assumes an October 1, 2021 effective date.

Additional costs to the Department of Labor to conduct the required review and submit the required report can be absorbed within existing budgeted resources.