

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1559

S.P. 501

In Senate, April 22, 2021

**Resolve, To Create the Commission To Develop a Paid Family and
Medical Leave Benefits Program**

(EMERGENCY)

Received by the Secretary of the Senate on April 20, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DAUGHTRY of Cumberland.
Cosponsored by Representative McDONALD of Stonington and
Senators: CARNEY of Cumberland, VITELLI of Sagadahoc, Representatives: BRYANT of
Windham, CLOUTIER of Lewiston, Speaker FECTEAU of Biddeford, MILLETT of Cape
Elizabeth, ROEDER of Bangor.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this resolve establishes the Commission To Develop a Paid Family and
4 Medical Leave Benefits Program to study and develop a plan to implement a paid family
5 and medical leave benefits program; and

6 **Whereas,** the study must be initiated before the 90-day period expires in order that
7 the study may be completed and a report submitted in time for submission to the next
8 legislative session; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore, be it

13 **Sec. 1. Commission established. Resolved:** That the Commission To Develop a
14 Paid Family and Medical Leave Benefits Program, referred to in this resolve as "the
15 commission," is established.

16 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
17 353, the commission consists of 11 voting members appointed as follows:

18 1. Two members of the Senate appointed by the President of the Senate, including a
19 member from each of the 2 parties holding the largest number of seats in the Legislature;

20 2. Two members of the House of Representatives appointed by the Speaker of the
21 House, including a member from each of the 2 parties holding the largest number of seats
22 in the Legislature;

23 3. Two members appointed by the President of the Senate as follows:

24 A. One member with expertise in issues affecting labor and independent contractors;
25 and

26 B. One employer with more than 50 employees;

27 4. Two members appointed by the Speaker of the House as follows:

28 A. One member with expertise in issues related to family and medical leave benefits;
29 and

30 B. One employer with 50 or fewer employees;

31 5. Two members appointed by the Governor as follows:

32 A. One member with expertise in issues affecting maternity and postpartum care; and

33 B. One member with expertise in issues affecting elder care; and

34 6. The Commissioner of Labor or the commissioner's designee.

35 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
36 and the first-named House of Representatives member is the House chair of the
37 commission. Notwithstanding Joint Rule 353, the chairs may appoint, as nonvoting
38 members, individuals with expertise in paid family and medical leave, social insurance
39 programs or related state infrastructure.

1 **Sec. 4. Appointments; convening of commission. Resolved:** That all
2 appointments must be made no later than 30 days following the effective date of this
3 resolve. The appointing authorities shall notify the Executive Director of the Legislative
4 Council once all appointments have been completed. After appointment of all members,
5 the chairs shall call and convene the first meeting of the commission. If 30 days or more
6 after the effective date of this resolve a majority of but not all appointments have been
7 made, the chairs may request authority and the Legislative Council may grant authority for
8 the commission to meet and conduct its business.

9 **Sec. 5. Duties. Resolved:** That the commission shall:

10 1. Study the paid family and medical leave benefits programs in other states, including
11 those that have established paid family and medical leave benefits programs. In its review
12 of paid family and medical leave benefits programs in other states, the commission shall
13 consider without limitation the following factors for each program:

14 A. Equity of the program;

15 B. Program funding;

16 C. State partnerships and consortiums, including information technology needs;

17 D. Education and outreach needs;

18 E. Oversight and structure of the program; and

19 F. Relationship between state government and the employers and employees
20 participating in the program;

21 2. Solicit and consider public comment on the administration and establishment of a
22 paid family and medical leave benefits program, including but not limited to purposes for
23 leave, eligibility, job protection and duration;

24 3. Develop a plan to implement a paid family and medical leave benefits program by
25 consulting with other states that have established paid family and medical leave benefits
26 programs;

27 4. Contract for and complete an actuarial study of the planned program under
28 subsection 3, including start-up costs and ongoing costs of the program, the economic
29 impact on and benefits to the State and the contributions needed to maintain the solvency
30 of the program; and

31 5. Based on the actuarial study in subsection 4 and other factors considered by the
32 commission, make recommendations to implement a paid family and medical leave
33 benefits program, including any necessary legislation.

34 **Sec. 6. Staff assistance. Resolved:** That the Governor's Office of Policy
35 Innovation and the Future shall provide necessary staffing services to the commission.
36 Upon request, the Department of Labor, the Department of Health and Human Services
37 and the Department of Administrative and Financial Services, Office of Information
38 Technology and Bureau of Revenue Services shall provide additional staffing assistance to
39 the commission.

40 **Sec. 7. Report. Resolved:** That, notwithstanding Joint Rule 353, no later than
41 January 15, 2022, the commission shall submit a report that includes its findings and

1 recommendations, including suggested legislation, for presentation to the Second Regular
2 Session of the 130th Legislature.

3 **Sec. 8. Additional funding sources. Resolved:** That, notwithstanding Joint Rule
4 353, the commission may apply for and receive funds, grants or contributions from public
5 and private sources to support its activities.

6 **Sec. 9. Transfers from Department of Professional and Financial
7 Regulation Other Special Revenue Funds balances to General Fund.**

8 **Resolved:** That, at the close of fiscal year 2020-21, the State Controller shall transfer
9 \$200,000 from available balances in Other Special Revenue Funds accounts within the
10 Department of Professional and Financial Regulation to the General Fund unappropriated
11 surplus to support the duties of the commission. The Commissioner of Professional and
12 Financial Regulation shall determine from which accounts the funds will be transferred so
13 that the sum equals \$200,000 and notify the State Controller and the Joint Standing
14 Committee on Appropriations and Financial Affairs of the amounts to be transferred from
15 each account.

16 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
17 takes effect when approved.

18 **SUMMARY**

19 This resolve establishes the Commission To Develop a Paid Family and Medical Leave
20 Benefits Program. It requires the State Controller to transfer \$200,000 from available
21 balances in Other Special Revenue Funds accounts within the Department of Professional
22 and Financial Regulation to the General Fund unappropriated surplus to support the duties
23 of the commission.