

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ROG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date 5/8/23 Minority LD 301 (Filing No H- 111)

LABOR AND HOUSING

Reproduced and distributed under the direction of the Clerk of the House

STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to HP 199, LD 301, "An Act to Exempt Employers from Providing Earned Paid Leave for Certain Employees"

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

'Sec. 1. 26 MRSA §637, sub-§1, ¶C, as enacted by PL 2019, c 156, §3 and affected by §4, is repealed and the following enacted in its place

C "Employee" means a person engaged in employment but does not include a person who works less than 320 hours in a year for an employer, works an irregular schedule and is

(1) A person employed by a school administrative unit as a coach, as a substitute teacher or in another substitute position, except that a long-term substitute teacher who works full-time for at least 4 consecutive weeks is an employee under this paragraph.

(2) A temporary employee in a retail or service establishment For the purposes of this subparagraph, "temporary employee" means a person contracted to work on a position for a limited time and "retail or service establishment" means a retail or service establishment as described in accordance with 29 Code of Federal Regulations, Section 779 24, or

(3) An election clerk who performs the duties described in Title 21-A, section 503-A

Sec. 2. 26 MRSA §637, sub-§5-A is enacted to read

5-A. Use of earned leave. An employee must use a minimum of 4 hours of earned leave at one time unless an employer allows the employee to use earned leave at an increment less than 4 hours

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

COMMITTEE AMENDMENT

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LABOR, DEPARTMENT OF

Regulation and Enforcement 0159

Initiative Provides ongoing funds for one Labor and Safety Inspector position to investigate potential violations of the law regarding earned paid leave

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	1 000	1 000
Personal Services	\$67,007	\$93,810
All Other	\$4,252	\$5,669
GENERAL FUND TOTAL	\$71,259	\$99,479

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

SUMMARY

This amendment is the minority report of the committee It replaces the bill The amendment exempts from the law that requires employers to offer earned paid leave to employees an employer of a person who works less than 320 hours in a year for the employer, works an irregular schedule and is

1 Employed by a school administrative unit as a coach, as a substitute teacher or in another substitute position, except for a long-term substitute teacher who works full-time for at least 4 consecutive weeks,

2 A temporary employee in a retail or service establishment, or

3 An election clerk

The amendment also specifies that an employee must use a minimum of 4 hours of earned leave at one time unless an employer allows the employee to use earned leave at an increment less than 4 hours

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 301

LR 750(02)

An Act to Exempt Employers from Providing Earned Paid Leave for Certain Employees

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-111)
 Committee: Labor and Housing
 Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue increase - General Fund

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$71,259	\$99,479	\$102,856	\$106,355
Appropriations/Allocations				
General Fund	\$71,259	\$99,479	\$102,856	\$106,355

Fiscal Detail and Notes

This bill includes General Fund appropriations of \$71,259 in fiscal year 2023-24 and \$99,479 in fiscal year 2024-25 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 investigating and resolving an anticipated increase in the number of complaints of alleged violations as a result of exempting certain employees from the earned paid sick leave law. This estimate assumes a start date of October 1, 2023.

Any penalty assessed by the Department of Labor pursuant to Title 26, section 637, subsection 8 will be credited to the General Fund. The increase in General Fund revenue from these penalties is not estimated at this time.