

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 810

H.P. 499

House of Representatives, February 21, 2023

An Act to Create the Maine Family First Employer Program

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative JAUCH of Topsham.
Cosponsored by Senator VITELLI of Sagadahoc and
Representatives: ANKELES of Brunswick, EATON of Deer Isle, GOLEK of Harpswell,
HASENFUS of Readfield, MILLIKEN of Blue Hill, Senator: DAUGHTRY of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §10** is enacted to read:

3 **§10. Maine Family First Employer Program**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Department" means the Department of Labor.

7 B. "Designation" means designation as a Maine family first employer.

8 C. "Employer" means a person engaged in business in the State that employs full-time
9 one or more persons. "Employer" includes the State and any political subdivision with
10 one or more employees.

11 D. "Program" means the Maine Family First Employer Program established in this
12 section.

13 **2. Program established.** The Maine Family First Employer Program is established
14 within the department to award a designation to an employer who meets criteria under
15 subsection 3.

16 **3. Program criteria.** In order to be eligible for the program, an employer, with respect
17 to all full-time employees, must meet at least 4 of the following criteria:

18 A. Demonstrate that all employees have equal opportunity to advance to leadership
19 positions as provided in Title 5, chapter 337, subchapter 3;

20 B. Provide employees with access to or the opportunity to take time off for mentorship
21 training or leadership opportunities to assist in advancing to leadership positions;

22 C. Demonstrate that the employer does not pay different wage rates to employees for
23 substantially similar work when the work is viewed as a composite of skill, effort and
24 responsibility and is performed under the same working conditions, except when the
25 wage rate difference is based upon one or more of the following:

26 (1) A seniority system;

27 (2) A merit system;

28 (3) A system that measures earnings by quantity or quality of production; or

29 (4) A bona fide reason such as education, training or experience;

30 D. Make a child care stipend, facility or service available to employees or qualify for
31 the federal employer-provided child care tax credit under 26 United States Code,
32 Section 45F;

33 E. Provide employees at least 2 weeks of paid leave, in addition to other sick or
34 vacation time that employees may accrue, for the birth or adoption of a child and
35 medical care of the employees, which may include medical care of family members of
36 employees;

37 F. Provide employees with flexible work arrangements to accommodate important
38 family obligations;

1 G. Provide health insurance options for or contribute to the health insurance costs of
2 employees and dependents of employees; and

3 H. Contribute to employees retirement benefit plan at a level equal to or greater than
4 the minimum contribution required for employees to participate in the retirement plan.

5 **4. Program procedures.** The department shall establish procedures by rule for the
6 program by which an employer may apply for and be awarded a designation for a 3-year
7 period. The application for the designation must include the following:

8 A. The employer's name and address and a description of the type of business or
9 industry or the department of the employer;

10 B. Evidence that the employer meets at least 4 of the criteria under subsection 3; and

11 C. The signature of the owner, manager, chief executive officer, supervisor or
12 department head of the employer, or the owner's, manager's, chief executive officer's,
13 supervisor's or department head's designee, attesting that the information provided in
14 the application is correct. The department may revoke a designation if an employer
15 knowingly provides false information on the application.

16 **5. Determination of designation.** The department shall review all applications to
17 determine eligibility for a designation. If an employer meets all of the criteria in subsection
18 3, the employer is entitled to a platinum designation. If an employer meets at least 4 but
19 not all of the criteria in subsection 3, the employer is entitled to a gold designation.

20 **6. Award of the designation; logo.** The Governor shall award in writing or
21 electronically the designation to an employer that the department has determined is entitled
22 to a designation under subsection 5. The department shall create a logo to be included in
23 the awarding of the designation that an employer that is awarded a designation may use for
24 promotional purposes. An employer that has not received a designation under this
25 subsection may not use the logo for any purpose.

26 **7. List of designated employers.** The department shall publish a list of all designated
27 employers under subsection 5 on the department's publicly accessible website. The
28 department shall update the list at least 3 times per year.

29 **8. Rules.** The department may adopt routine technical rules as defined in Title 5,
30 chapter 375, subchapter 2-A to carry out the purposes of this section.

31 SUMMARY

32 This bill creates the Maine Family First Employer Program under the Department of
33 Labor to award employers that create family-friendly workplaces by providing, for all full-
34 time employees, advancement and leadership opportunities; the same pay rates for similar
35 work; stipends or assistance for child care; paid leave for the birth or adoption of a child
36 and medical care for employees or family members of employees; flexible work
37 accommodations for other family obligations; and health insurance and retirement plan
38 options. The awards are presented by the Governor and come with a logo that a designated
39 employer may use for promotional purposes.