

MAINE STATE LEGISLATURE

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Date 6/15/23

(Filing No. H-575)

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H P 596,
L D 949, "An Act to Protect Workers from Employer Surveillance"

Amend the amendment in section 1 in sub-c 1-D in §620 by striking out all of subsection 5 (page 2, lines 4 to 6 in amendment) and inserting the following

'5. Notice requirements. An employer using employer surveillance shall inform prospective employees during the hiring process that the employer engages in employer surveillance and shall provide written notice at least once per calendar year to all current employees that the employer engages in employer surveillance.'

Amend the amendment in section 1 in sub-c 1-D in §620 by striking out all of subsection 6 (page 2, lines 7 to 9 in amendment)

Amend the amendment in section 1 in sub-c 1-D in §620 in subsection 7 in the first line (page 2, line 10 in amendment) by striking out the following "shall" and inserting the following 'may'

Amend the amendment in section 1 in sub-c 1-D in §620 by inserting after subsection 8 the following

'9. Penalties. An employer that violates this subchapter is subject to a fine of not less than \$100 and not more than \$500 for each violation. The Department of Labor is responsible for enforcement of this subchapter'

Amend the amendment in section 1 in §620 by renumbering the subsections to read consecutively

Amend the amendment 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 ongoing funds for one half-time Labor and Safety Inspector position and related All Other costs to support the anticipated increase in workload associated with ensuring compliance with the regulations regarding employer surveillance

HOUSE AMENDMENT

ROS

1	GENERAL FUND	2023-24	2024-25
2	POSITIONS - LEGISLATIVE COUNT	0 500	0.500
3	Personal Services	\$33,080	\$46,683
4	All Other	\$5,376	\$7,169
5			
6	GENERAL FUND TOTAL	<u>\$38,456</u>	<u>\$53,852</u>

7

8 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or

9 section number to read consecutively

10 **SUMMARY**

11 This amendment makes the following changes to the provisions governing employer

12 surveillance

13 1 It requires an employer using employer surveillance to inform prospective

14 employees during the hiring process that the employer engages in employer surveillance

15 and to provide written notice at least once per calendar year to all current employees that

16 the employer engages in employer surveillance

17 2. It provides that the Department of Labor may adopt rules to implement the provisions

18 governing employer surveillance

19 3 It removes the provision that provides a private right of action

20 4 It provides that an employer that violates the provisions governing employer

21 surveillance is subject to a fine of not less than \$100 and not more than \$500 for each

22 violation The Department of Labor is responsible for enforcement of the provisions

23 governing employer surveillance

24 **SPONSORED BY:** 

25 (Representative ROEDER, A.)

26 **TOWN: Bangor**

FISCAL NOTE REQUIRED
(See attached)

HOUSE AMENDMENT



131st MAINE LEGISLATURE

LD 949

LR 1207(04)

An Act to Protect Workers from Employer Surveillance

Fiscal Note for House Amendment "A" to Committee Amendment "A" (H-575)

Sponsor: Rep. Roeder of Bangor

Fiscal Note Required: Yes

Fiscal Note

Eliminates judicial impacts

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$38,456	\$53,852	\$55,533	\$57,274
Appropriations/Allocations				
General Fund	\$38,456	\$53,852	\$55,533	\$57,274

Fiscal Detail and Notes

This amendment requires the Department of Labor to enforce the provisions governing employer surveillance. The amendment includes ongoing General Fund appropriations of \$38,456 in fiscal year 2023-24 and \$53,852 in fiscal year 2024-25 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 to support the anticipated increase in workload associated with ensuring compliance with the new regulations.

This amendment removes the provisions in the bill that provides a private right of action for injunctive relief and recovery of civil penalties and attorney's fees for violation of the law regarding employer surveillance. It provides that an employer who violates the law is subject to a fine of not less than \$100 and not more than \$500 for each violation. The amount of General Fund revenue to be received from the assessment of fines can not be estimated but is expected to be minor.

Additional costs to the Department of Labor associated with the rulemaking process can be absorbed within existing budgeted resources.