

MAINE STATE LEGISLATURE

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L D 1964

Date 6/20/23

(Filing No S-385)

MAJORITY

LABOR AND HOUSING

Reproduced and distributed under the direction of the Secretary of the Senate

STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 800, L D 1964, "An Act to Implement the Recommendations of the Commission to Develop a Paid Family and Medical Leave Benefits Program"

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

'An Act to Create the Maine Paid Family and Medical Leave Benefits Program'

Amend the bill by striking out all of sections 3 and 4 and inserting the following

'Sec. 3. 26 MRSA §42, first ¶, as amended by PL 1999, c 649, §1, is further amended to read

The bureau shall collect, assort and arrange statistical details relating to all departments of labor and industrial pursuits in the State, to trade unions and other labor organizations and their effect upon labor and capital, to the number and character of industrial accidents and their effect upon the injured, their dependent relatives and upon the general public, to other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions prevailing within the State, including the names of firms, companies or corporations, where located, the kind of goods produced or manufactured, the time operated each year, the number of employees classified according to age and sex and the daily and average wages paid each employee, and the exploitation of such other subjects as will tend to promote the permanent prosperity of the industries of the State The director is authorized and empowered, subject to the approval of the Governor, to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out this section, and meet such requirements with respect to the administration of such funds, not inconsistent with this section, as are required as conditions precedent to receiving such funds An accounting of such funds and a report of the use to which they were put must be included in the biennial report to the Governor Each agency of government shall cooperate fully with the bureau's efforts to compile labor and industrial statistics The director shall cause to be enforced all laws regulating the employment of minors, all laws established for the protection of health, lives and limbs of operators in workshops and factories, on railroads and in other places, all laws regulating the payment of wages, and

COMMITTEE AMENDMENT

1 all laws enacted for the protection of the working classes During an investigation to
 2 enforce those laws, the director may request records and other information relating to an
 3 employer's compliance with unemployment compensation and workers' compensation
 4 laws, including information needed to determine whether the employer has properly
 5 classified a worker as an independent contractor, and shall report suspected violations of
 6 those laws to the state or federal agency responsible for enforcing them The director may
 7 adopt, in accordance with the Maine Administrative Procedure Act, rules regarding all such
 8 laws, except where this authority is granted to a board or commission Rules adopted
 9 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
 10 subchapter ~~H-A~~ 2-A The director shall, on or before the first day of July, biennially, report
 11 to the Governor, and may make such suggestions and recommendations as the director may
 12 deem necessary for the information of the Legislature The director may from time to time
 13 cause to be printed and distributed bulletins upon any subject that is of public interest and
 14 benefit to the State, including, but not limited to, the paid family and medical leave benefits
 15 program established in chapter 7, subchapter 6-C, and may conduct a program of research,
 16 education and promotion to reduce industrial accidents The director may review various
 17 data, such as workers' compensation records, as well as other information relating to any
 18 public or private employer's safety experience When any individual public or private
 19 employer's safety experience causes the director to question seriously the safe working
 20 environment of that employer, the director may offer any safety education and consultation
 21 programs to that employer that may be beneficial in providing a safer work environment
 22 If the employer refuses this assistance or is in serious noncompliance which may lead to
 23 injuries, or if serious threats to worker safety continue, then the director shall communicate
 24 concerns to appropriate agencies, such as the United States Occupational Safety and Health
 25 Administration As used in this section, the term "noncompliance" means a lack of
 26 compliance with any applicable health and safety regulations of the United States
 27 Occupational Safety and Health Administration or other federal agencies The bureau is
 28 responsible for the enforcement of indoor air quality and ventilation standards with respect
 29 to state-owned buildings and buildings leased by the State The bureau shall enforce air
 30 quality standards in a manner to ensure that corrections to problems found in buildings be
 31 made over a reasonable period of time, using consent agreements and other approaches as
 32 necessary and reasonable

33 **Sec. 4. 26 MRSA §42-B, sub-§1, ¶F,** as amended by PL 2019, c 156, §1 and
 34 affected by §4, is further amended to read

35 F Minimum wage and overtime provisions as described in section 664, ~~and~~

36 **Sec. 5. 26 MRSA §42-B, sub-§1, ¶G,** as enacted by PL 2019, c 156, §2 and
 37 affected by §4, is amended to read

38 G Earned paid leave, and

39 **Sec. 6. 26 MRSA §42-B, sub-§1, ¶H** is enacted to read

40 H Paid family and medical leave as provided in chapter 7, subchapter 6-C'

41 Amend the bill in section 5 in sub-c 6-C in §850-A in subsection 1 in the 2nd line
 42 (page 2, line 4 in L D) by inserting after the following "implement" the following 'and
 43 operate'

1 Amend the bill in section 5 in sub-c 6-C in §850-A by striking out all of subsection 2
 2 (page 2, lines 5 to 7 in L D)

3 Amend the bill in section 5 in sub-c 6-C in §850-A by striking out all of subsection 4
 4 (page 2, lines 10 to 14 in L D) and inserting the following

5 '4. Average weekly wage "Average weekly wage," as used to establish the maximum
 6 weekly benefit amount for purposes of this subchapter, means 1/52 of aggregate total wages
 7 paid in the State for a covered individual, as reported on employer contribution reports for
 8 the calendar year, divided by the arithmetic mean of midmonth weekly covered
 9 employment reported on employer contribution reports for the calendar year in the form
 10 and manner determined by the department '

11 Amend the bill in section 5 in sub-c 6-C in §850-A by striking out all of subsection 6
 12 (page 2, lines 17 to 19 in L D) and inserting the following

13 '6 Benefit year "Benefit year" means the 12-month period beginning on the first day
 14 of the calendar week immediately preceding the date on which family leave benefits or
 15 medical leave benefits commence '

16 Amend the bill in section 5 in sub-c 6-C in §850-A in subsection 8 in the first line
 17 (page 2, line 21 in L D) by striking out the following "made by an employee" and inserting
 18 the following 'remitted by an employer'

19 Amend the bill in section 5 in sub-c 6-C in §850-A in subsection 14 in the last line
 20 (page 3, line 14 in L D) by inserting after the following "employment" the following 'in
 21 the State'

22 Amend the bill in section 5 in sub-c 6-C in §850-A in subsection 15 in paragraph D in
 23 the first line (page 3, line 21 in L D) by striking out the following "and"

24 Amend the bill in section 5 in sub-c 6-C in §850-A in subsection 15 in paragraph E in
 25 the first line (page 3, line 22 in L D) by striking out the following "."" and inserting the
 26 following ', and'

27 Amend the bill in section 5 in sub-c 6-C in §850-A in subsection 15 by inserting after
 28 paragraph E the following

29 'F A tribal government that has elected coverage pursuant to section 850-G '

30 Amend the bill in section 5 in sub-c 6-C in §850-A in subsection 18 in the last line
 31 (page 3, line 30 in L D) by striking out the following "1" and inserting the following '2'

32 Amend the bill in section 5 in sub-c 6-C in §850-A in subsection 20 by striking out all
 33 of paragraph G (page 4, lines 14 to 16 in L D) and inserting the following

34 'G As designated by the covered individual in accordance with rule, an individual with
 35 whom the covered individual has a significant personal bond that is or is like a family
 36 relationship, regardless of biological or legal relationship '

37 Amend the bill in section 5 in sub-c 6-C in §850-A in subsection 23 in the last line
 38 (page 4, line 24 in L D) by striking out the following "2" and inserting the following '3'

39 Amend the bill in section 5 in sub-c 6-C in §850-A by striking out all of subsection 26
 40 (page 4, lines 30 to 37 in L D) and inserting the following

1 '26. Qualifying exigency. "Qualifying exigency" means an exigency determined
 2 pursuant to the federal Family and Medical Leave Act of 1993, 29 United States Code,
 3 Section 2612(a)(1)(E)'

4 Amend the bill in section 5 in sub-c 6-C in §850-A in subsection 28 in the first line
 5 (page 5, line 16 in L D) by inserting after the following "means" the following 'an
 6 independent contractor as described in section 1043, subsection 11, paragraph E.'

7 Amend the bill in section 5 in sub-c 6-C in §850-A in subsection 31 in the 2nd line
 8 (page 5, line 28 in L D) by striking out the following "administratiator" and inserting the
 9 following 'department'

10 Amend the bill in section 5 in sub-c 6-C in §850-A by striking out all of subsection 32
 11 (page 5, lines 30 and 31 in L D) and inserting the following

12 '32. Wages. "Wages" includes, but is not limited to, salary, wages, tips, commissions
 13 and other compensation as determined by rule For a self-employed individual who elects
 14 coverage under section 850-G, "wages" includes, but is not limited to, self-employment
 15 income as defined by 26 United States Code, Section 1402(b)'

16 Amend the bill in section 5 in sub-c 6-C in §850-B by striking out all of the first
 17 indented paragraph (page 5, lines 36 to 40 in L D) and inserting the following

18 'The paid family and medical leave benefits program is established effective January
 19 1, 2026 The program is administered by the department In accordance with subsection
 20 1, the department may, through contract after a competitive bidding process subject to the
 21 requirements of Title 5, section 1816-B, authorize a 3rd party to conduct claims
 22 administration'

23 Amend the bill in section 5 in sub-c 6-C in §850-B by inserting after the first indented
 24 paragraph the following

25 '1. Competitive bidding process. Any competitive bidding process used by the
 26 department pursuant to this section is governed by this subsection

27 A The minimum criteria established by the department to evaluate a proposal must
 28 include, but are not limited to cost, transparency of business operations, efficiency of
 29 business operations, quality of work related to the potential contracts issued, user
 30 experience, confidentiality and use of claimant data, software development,
 31 information technology and state ownership of software and specialized information
 32 technology, accountability, experience with providing education to the public related
 33 to claims, and a cost-benefit analysis documenting the direct and indirect costs of such
 34 a contract, including qualitative and quantitative benefits that will result from the
 35 implementation of such a contract

36 B Any 3rd party that submits a proposal must have a meaningful physical presence in
 37 the State, have no adjudicated record of substantial or repeated willful noncompliance
 38 with any relevant federal, state or local law, statute or regulation, including payment
 39 of taxes or other payments owed to a public entity, attest to compliance with all
 40 applicable local, state and federal laws, regulations and statutes, including health and
 41 safety, labor and employment and licensing laws that affect the employees, worksite
 42 or performance of the contract, complete a signed pledge of compliance provided by
 43 the State to comply with all applicable laws, statutes and regulations, and attest that

- 1 any projected cost savings may not derive from the 3rd party's failure to provide
- 2 adequate wages
- 3 C The requirements of Title 5, section 1825-B, subsection 7 do not apply'
- 4 Amend the bill in section 5 in sub-c 6-C in §850-B in subsection 2 in the last 2 lines
- 5 (page 6, lines 11 and 12 in L D) by striking out the following "perform the job functions
- 6 for the position held by that covered individual" and inserting the following 'work'
- 7 Amend the bill in section 5 in sub-c 6-C in §850-B in subsection 3 in paragraph A in
- 8 the first 2 lines (page 6, lines 14 and 15 in L D) by striking out the following "an
- 9 application" and inserting the following 'a benefit'
- 10 Amend the bill in section 5 in sub-c 6-C in §850-B in subsection 3 in paragraph B in
- 11 the first 2 lines (page 6, lines 16 and 17 in L D) by striking out the following "an
- 12 application" and inserting the following 'a benefit'
- 13 Amend the bill in section 5 in sub-c 6-C in §850-B in subsection 3 in paragraph C in
- 14 the first line (page 6, line 18 in L D) by striking out the following "16" and inserting the
- 15 following '12'
- 16 Amend the bill in section 5 in sub-c 6-C in §850-B in subsection 3 in paragraph C in
- 17 the last line (page 6, line 19 in L D) by striking out the following "application" and
- 18 inserting the following 'benefit'
- 19 Amend the bill in section 5 in sub-c 6-C in §850-B by striking out all of subsection 6
- 20 (page 6, lines 32 to 36 in L D) and inserting the following
- 21 '6 Notice to employer. Absent an emergency, illness or other sudden necessity for
- 22 taking leave, an employee shall give reasonable notice to the employee's supervisor of the
- 23 employee's intent to use leave under this subchapter Use of such leave must be scheduled
- 24 to prevent undue hardship on the employer as reasonably determined by the employer If
- 25 an employer fails to provide notice as required under section 850-I, the employee's
- 26 obligation to provide notice under this subsection is waived'
- 27 Amend the bill in section 5 in sub-c 6-C in §850-B in subsection 8 in the first line
- 28 (page 7, line 3 in L D) by striking out the following "7" and inserting the following '8'
- 29 Amend the bill in section 5 in sub-c 6-C in §850-B in subsection 9 in the first line
- 30 (page 7, line 7 in L D) by inserting after the following "bargaining" the following ';
- 31 employer policy; greater or additional rights'
- 32 Amend the bill in section 5 in sub-c 6-C in §850-B in subsection 9 in paragraph B in
- 33 the last line (page 7, line 12 in L D) by striking out the following ", or" and inserting the
- 34 following ','
- 35 Amend the bill in section 5 in sub-c 6-C in §850-B in subsection 9 in paragraph C in
- 36 the last line (page 7, line 14 in L D) by striking out the following "." and inserting the
- 37 following ', or'
- 38 Amend the bill in section 5 in sub-c 6-C in §850-B in subsection 9 by inserting after
- 39 paragraph C the following
- 40 'D Require a public employer, as defined in section 962, subsection 7, or employee of
- 41 a public employer that is a party to a collective bargaining agreement in existence on

1 the effective date of this subchapter to apply any of the rights and responsibilities under
 2 this subchapter until the existing collective bargaining agreement expires '

3 Amend the bill in section 5 in sub-c 6-C in §850-B in subsection 10 in the last line
 4 (page 7, line 19 in L D) by striking out the following "application" and inserting the
 5 following 'benefit'

6 Amend the bill in section 5 in sub-c 6-C in §850-B by inserting after subsection 10 the
 7 following

8 **'11. Employer policy may not waive employee rights. An employer policy adopted**
 9 **or retained on or after the effective date of this subchapter may not diminish an employee's**
 10 **right to benefits under this subchapter Any agreement by an employee to waive the**
 11 **employee's rights under this subchapter is against public policy and is void and**
 12 **unenforceable '**

13 Amend the bill in section 5 in sub-c 6-C in §850-B by renumbering the subsections to
 14 read consecutively

15 Amend the bill in section 5 in sub-c 6-C in §850-C by striking out all of subsection 2
 16 (page 7, lines 25 to 28 in L D) and inserting the following

17 **'2. Determination of weekly benefit amount. The weekly benefit amount paid to**
 18 **employees and self-employed individuals on family leave or medical leave is calculated as**
 19 **follows**

20 **A The portion of the covered individual's average weekly wage that is equal to or less**
 21 **than 50% of the state average weekly wage must be replaced at a rate of 90%, and**

22 **B The portion of the covered individual's average weekly wage that is more than 50%**
 23 **of the state average weekly wage must be replaced at a rate of 66% up to the maximum**
 24 **weekly benefit '**

25 Amend the bill in section 5 in sub-c 6-C in §850-C by striking out all of subsection 3
 26 (page 7, lines 29 to 33 in L D) and inserting the following

27 **'3. Maximum benefit amount adjustment. The maximum weekly benefit amount**
 28 **calculated under subsection 2 is the state average weekly wage By January 1st of the year**
 29 **in which claims begin being processed and annually thereafter, the department shall take**
 30 **into consideration the recommendation of the authority to adjust the maximum weekly**
 31 **benefit amount as necessary, and the adjusted maximum weekly benefit amount takes effect**
 32 **on January 1st of the year following the adjustment The authority shall recommend**
 33 **adjusting the maximum benefit amount in order to maintain the solvency of the fund at a**
 34 **level of at least the annualized amount described in section 850-E, subsection 3 '**

35 Amend the bill in section 5 in sub-c 6-C in §850-C in subsection 4 in the last line (page
 36 7, line 36 in L D) by striking out the following "administrator" and inserting the following
 37 'department'

38 Amend the bill in section 5 in sub-c 6-C in §850-C in subsection 5 by striking out all
 39 of paragraph A (page 7, lines 40 and 41 and page 8, lines 1 and 2 in L D) and inserting the
 40 following

41 **'A A government program or law, including, but not limited to, unemployment**
 42 **insurance under this Title and workers' compensation under Title 39-A other than for**

1 compensation received under Title 39-A, section 213 for an injury that occurred prior
 2 to the family leave or medical leave claim, or under other state or federal temporary or
 3 permanent disability benefits law, or'

4 Amend the bill in section 5 in sub-c 6-C in §850-D by striking out all of subsection 4
 5 (page 8, lines 19 to 24 in L D) and inserting the following

6 '4 Confidentiality. Any medical or health information required under this section
 7 must be treated as confidential and may not be disclosed except with permission from the
 8 covered individual who provided it unless disclosure is otherwise required by law Nothing
 9 in this section may be construed to compel a health care provider to provide any
 10 information for certification that would be in violation of Section 1177 of the federal Social
 11 Security Act, 42 United States Code, Section 1320d-6 '

12 Amend the bill in section 5 in sub-c 6-C in §850-D in subsection 5 in the 6th line (page
 13 8, line 30 in L D) by striking out the following "administrator" and inserting the following
 14 'department'

15 Amend the bill in section 5 in sub-c 6-C in §850-E in subsection 1 in the 6th line (page
 16 8, line 38 in L D) by striking out the following "administrator" and inserting the following
 17 'department'

18 Amend the bill in section 5 in sub-c 6-C in §850-E in subsection 1 in the 8th line (page
 19 8, line 40 in L D) by striking out the following "administrator" and inserting the following
 20 'department'

21 Amend the bill in section 5 in sub-c 6-C in §850-E by striking out all of subsection 3
 22 (page 9, lines 8 to 10 in L D) and inserting the following

23 '3. Annualized amount The fund must maintain an annualized amount as determined
 24 by an annual study by a qualified actuary that examines the program's recent and expected
 25 future claims experience, administrative expenses and target fund requirements '

26 Amend the bill in section 5 in sub-c 6-C in §850-E by striking out all of subsection 6
 27 (page 9, lines 26 to 42 and page 10, lines 1 to 4 in L D) and inserting the following

28 '6. Report. Beginning October 1, 2026 and annually thereafter, the administrator shall
 29 publish a report providing the following information concerning the program for the
 30 previous fiscal year

31 A The total claims made, the total eligible claims and the percentage of total eligible
 32 claims out of total claims made,

33 B The percentage of eligible claims attributable to medical leave,

34 C The percentage of eligible claims attributable to family leave for the serious health
 35 condition of a family member,

36 D The percentage of eligible claims attributable to family leave other than for the
 37 birth, adoption or fostering of a child,

38 E The percentage of eligible claims attributable to family leave for the birth, adoption
 39 or fostering of a child,

40 F The percentage of eligible claims attributable to family leave for a qualifying
 41 exigency,

- 1 G The percentage of eligible claims attributable to family leave for a covered service
- 2 member,
- 3 H The claimant demographics by age, gender identification, race, ethnicity, average
- 4 weekly wage, occupation and the type of leave taken,
- 5 I The percentage of claims denied and the reasons for the denials,
- 6 J The average weekly benefit amount paid for all claims and by the type of leave
- 7 taken,
- 8 K The category of family member for whom family medical leave was taken to care
- 9 for the family member's serious medical condition,
- 10 L The time for initial claims processing and determination,
- 11 M The average length of time between an application and receipt of benefits,
- 12 N The average leave duration for each purpose of leave, and
- 13 O Any changes in gross benefits paid compared to the previous fiscal year
- 14 The administrator shall submit the annual report required by this subsection to the
- 15 department, the authority and the joint standing committee of the Legislature having
- 16 jurisdiction over labor matters '

17 Amend the bill in section 5 in sub-c 6-C in §850-F by striking out all of subsection 2
 18 (page 10, lines 9 to 11 in L D) and inserting the following

19 '**2. Employer to remit employer contribution reports and premiums. Beginning**
 20 **January 1, 2025, for each employee, an employer shall remit employer contribution reports**
 21 **and premiums in the form and manner determined by the administrator Employer**
 22 **contribution reports and premiums must be remitted quarterly '**

23 Amend the bill in section 5 in sub-c 6-C in §850-F in subsection 3 by striking out all
 24 of paragraph B (page 10, lines 15 to 27 in L D) and inserting the following

25 '**B Annually, for the 2028 calendar year and each calendar year thereafter, not later**
 26 **than October 1st, the department shall set the premium for the coming calendar year**
 27 **based on a percentage of employee wages and at the rate necessary to obtain a total**
 28 **amount of premium contributions in order to maintain the solvency of the fund at a**
 29 **level of at least the annualized amount described in section 850-E, subsection 3, plus**
 30 **an amount equal to 100% of the cost of administration of the payment of those benefits**
 31 **during the previous fiscal year, less the amount of net assets remaining in the fund as**
 32 **of June 30th of the current calendar year If, for the 2028 calendar year or any calendar**
 33 **year thereafter, the premium rate adjustment pursuant to this subsection is an increase**
 34 **and results in the difference between the rate of the upcoming calendar year and the**
 35 **current calendar year equaling more than 0 1% of wages paid, the department shall**
 36 **submit a report regarding fund solvency and factors contributing to rate setting to the**
 37 **joint standing committee of the Legislature having jurisdiction over labor matters '**

38 Amend the bill in section 5 in sub-c 6-C in §850-F in subsection 4 in paragraph A in
 39 the first line (page 10, line 30 in L D) by inserting after the following "pay" the following
 40 'up to'

41 Amend the bill in section 5 in sub-c 6-C in §850-F in subsection 4 in paragraph A in
 42 the 2nd line (page 10, line 31 in L D) by striking out the following "for an employee"

- 1 Amend the bill in section 5 in sub-c 6-C in §850-F in subsection 5 in paragraph A in
- 2 the last line (page 10, line 39 in L D) by striking out the following "premium" and
- 3 inserting the following 'combined premium contribution'
- 4 Amend the bill in section 5 in sub-c 6-C in §850-F in subsection 9 in the last 2 lines
- 5 (page 11, lines 15 and 16 in L D) by striking out the following "for the 2028 calendar year
- 6 and annually thereafter" and inserting the following 'annually'
- 7 Amend the bill in section 5 in sub-c 6-C in §850-G in subsection 1 in the 4th line (page
- 8 11, line 32 in L D) by striking out the following "administrator" and inserting the
- 9 following 'department'
- 10 Amend the bill in section 5 in sub-c 6-C in §850-G in subsection 1 in the 6th line (page
- 11 11, line 34 in L D) by striking out the following "administrator" and inserting the
- 12 following 'department'
- 13 Amend the bill in section 5 in sub-c 6-C in §850-G in subsection 3 in the last line (page
- 14 11, line 43 in L D) by striking out the following "administrator" and inserting the
- 15 following 'department'
- 16 Amend the bill in section 5 in sub-c 6-C in §850-G by inserting after subsection 3 the
- 17 following
- 18 **4. Tribal government A tribal government may elect to be covered under this**
- 19 **subchapter, or to terminate coverage, in the same manner as provided in this section, subject**
- 20 **to such procedures as the department may require by rule '**
- 21 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 1 in the 2nd line
- 22 (page 12, line 3 in L D) by striking out the following "administrator" and inserting the
- 23 following 'department'
- 24 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 1 in the 3rd line (page
- 25 12, line 4 in L D) by striking out the following "all of the same"
- 26 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 1 in the 4th line (page
- 27 12, line 5 in L D) by inserting after the following "benefits" the following 'substantially
- 28 equivalent to those'
- 29 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 1 in paragraph A in
- 30 the last line (page 12, line 7 in L D) by striking out the following "1 and 2" and inserting
- 31 the following '2 and 3'
- 32 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 1 by striking out all
- 33 of paragraph B (page 12, lines 8 to 10 in L D) and inserting the following
- 34 **'B Providing family leave benefits and medical leave benefits to a covered individual**
- 35 **for a maximum number of weeks substantially equivalent to the maximum number of**
- 36 **weeks required in section 850-B, subsection 4 in a benefit year.'**
- 37 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 1 in paragraph C in
- 38 the last line (page 12, line 12 in L D) by striking out the following "of at least" and
- 39 inserting the following 'that is substantially equivalent to'
- 40 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 1 in paragraph D in
- 41 the last line (page 12, line 14 in L D) by striking out the following "of at least" and
- 42 inserting the following 'that is substantially equivalent to'

- 1 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 1 in paragraph E in
- 2 the last line (page 12, line 16 in L D) by striking out the following "4" and inserting the
- 3 following '5'
- 4 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 2 in paragraph A in
- 5 the last line (page 12, line 31 in L D) by striking out the following "administrator" and
- 6 inserting the following 'department'
- 7 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 2 in paragraph C in
- 8 the last line (page 12, line 35 in L D) by striking out the following "approved by" and
- 9 inserting the following 'authorized to do business in'
- 10 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 3 in the first line
- 11 (page 12, line 36 in L D) by striking out the following "administrator" and inserting the
- 12 following 'department'
- 13 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 5 in the 2nd line
- 14 (page 13, line 10 in L D) by striking out the following "administrator" and inserting the
- 15 following 'department'
- 16 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 6 in the 2nd line
- 17 (page 13, line 13 in L D) by striking out the following "administrator" and inserting the
- 18 following 'department'
- 19 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 6 in the 3rd line (page
- 20 13, line 14 in L D) by striking out the following "administrator" and inserting the
- 21 following 'department'
- 22 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 7 in the first line
- 23 (page 13, line 16 in L D) by striking out the following "administrator" and inserting the
- 24 following 'department'
- 25 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 7 in the 2nd line
- 26 (page 13, line 17 in L D) by striking out the following "administrator" and inserting the
- 27 following 'department'
- 28 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 7 in the 4th line (page
- 29 13, line 19 in L D) by striking out the following "administrator" and inserting the
- 30 following 'department'
- 31 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 7 in the 5th line (page
- 32 13, line 20 in L D) by striking out the following "administrator" and inserting the
- 33 following 'department'
- 34 Amend the bill in section 5 in sub-c 6-C in §850-H in subsection 7 in the 5th line (page
- 35 13, line 20 in L D) by striking out the following "administrator shall" and inserting the
- 36 following 'department shall'
- 37 Amend the bill in section 5 in sub-c 6-C in §850-H by inserting after subsection 7 the
- 38 following
- 39 '8. Rules. The department shall adopt rules in accordance with section 850-Q
- 40 regarding the determination of what constitutes a private plan that may be approved under
- 41 this section '

- 1 Amend the bill in section 5 in sub-c 6-C in §850-I in subsection 1 in the 2nd line (page
- 2 13, line 24 in L D) by striking out the following "administrator" and inserting the
- 3 following 'department'
- 4 Amend the bill in section 5 in sub-c 6-C in §850-I in subsection 1 in the 3rd line (page
- 5 13, line 25 in L D) by striking out the following "administrator" and inserting the
- 6 following 'department'
- 7 Amend the bill in section 5 in sub-c 6-C in §850-I in subsection 1 in the last line (page
- 8 13, line 30 in L D) by striking out the following "administrator" and inserting the
- 9 following 'department'
- 10 Amend the bill in section 5 in sub-c 6-C in §850-I in subsection 2 in the 3rd line (page
- 11 13, line 33 in L D) by striking out the following "administrator" and inserting the
- 12 following 'department'
- 13 Amend the bill in section 5 in sub-c 6-C in §850-I by striking out all of subsection 4
- 14 (page 14, lines 7 to 12 in L D)
- 15 Amend the bill in section 5 in sub-c 6-C by striking out all of §850-J (page 14, lines
- 16 13 to 25 in L D) and inserting the following
- 17 **§850-J. Employer requirements; return to work from family or medical leave**
- 18 **1. Restoration to position upon return to work.** Except for an employee who has
- 19 not been employed for at least 120 days, an employee who exercises the right to family
- 20 leave or medical leave under this subchapter is entitled, upon return from that leave, to be
- 21 restored by the employer to the position held by the employee when the leave commenced
- 22 or to be restored to an equivalent position with equivalent employment benefits, pay and
- 23 other terms and conditions of employment
- 24 **2. Retaliation prohibited.** An employer may not discharge, fire, suspend, expel or
- 25 discipline, through the application of attendance policies or otherwise, or threaten or in any
- 26 manner discriminate against an employee for the exercise of any right to which the
- 27 employee is entitled under this subchapter or with the purpose of interfering with the
- 28 exercise of any right to which the employee is entitled under this subchapter
- 29 **3. Enforcement; violation.** The department shall take enforcement action against an
- 30 employer for a violation of this section '
- 31 Amend the bill in section 5 in sub-c 6-C in §850-K in subsection 1 in the first line
- 32 (page 14, line 27 in L D) by striking out the following "administrator" and inserting the
- 33 following 'department'
- 34 Amend the bill in section 5 in sub-c 6-C in §850-K in subsection 1 in the 3rd line (page
- 35 14, line 29 in L D) by striking out the following "administrator" and inserting the
- 36 following 'department'
- 37 Amend the bill in section 5 in sub-c 6-C in §850-K in subsection 2 in the last line (page
- 38 14, line 34 in L D) by striking out the following "administrator" and inserting the
- 39 following 'department'
- 40 Amend the bill in section 5 in sub-c 6-C in §850-K in subsection 3 in the first line
- 41 (page 14, line 35 in L D) by striking out the following "administrator" and inserting the
- 42 following 'department'

COMMITTEE AMENDMENT “ A ” to S P 800, L D 1964

- 1 Amend the bill in section 5 in sub-c 6-C in §850-L in subsection 1 in the 3rd line (page
- 2 14, line 42 in L D) by striking out the following "administrator" and inserting the
- 3 following 'department'
- 4 Amend the bill in section 5 in sub-c 6-C in §850-L in subsection 2 in the 3rd line (page
- 5 15, line 5 in L D) by striking out the following "administrator" and inserting the following
- 6 'department'
- 7 Amend the bill in section 5 in sub-c 6-C in §850-L in subsection 2 in the 4th line (page
- 8 15, line 6 in L D) by striking out the following "administrator" and inserting the following
- 9 'department'
- 10 Amend the bill in section 5 in sub-c 6-C in §850-M in subsection 1 in the 3rd line
- 11 (page 15, line 12 in L D) by striking out the following "administrator" and inserting the
- 12 following 'department'
- 13 Amend the bill in section 5 in sub-c 6-C in §850-M by striking out all of subsection 2
- 14 (page 15, lines 21 to 26 in L D)
- 15 Amend the bill in section 5 in sub-c 6-C in §850-M in subsection 3 in the first line
- 16 (page 15, line 27 in L D) by striking out the following "administrator" and inserting the
- 17 following 'department'
- 18 Amend the bill in section 5 in sub-c 6-C in §850-M by striking out all of subsection 4
- 19 (page 15, lines 30 and 31 in L D)
- 20 Amend the bill in section 5 in sub-c 6-C in §850-M in subsection 5 in the first line
- 21 (page 15, line 32 in L D) by striking out the following "administrator" and inserting the
- 22 following 'department'
- 23 Amend the bill in section 5 in sub-c 6-C in §850-M in subsection 5 in the 2nd line
- 24 (page 15, line 33 in L D) by inserting after the following "regarding" the following
- 25 'federal and state'
- 26 Amend the bill in section 5 in sub-c 6-C in §850-M in subsection 5 in the 4th line
- 27 (page 15, line 35 in L D) by striking out the following "administrator" and inserting the
- 28 following 'department'
- 29 Amend the bill in section 5 in sub-c 6-C §850-M by renumbering the subsections to
- 30 read consecutively
- 31 Amend the bill in section 5 in sub-c 6-C in §850-O by striking out all of subsection 1
- 32 (page 16, lines 4 to 22 in L D) and inserting the following
- 33 **1. Membership; appointments. The authority consists of the following 15 members**
- 34 **A Eleven members appointed by the Governor, subject to review by the joint standing**
- 35 **committee of the Legislature having jurisdiction over labor matters and to confirmation**
- 36 **by the Senate**
- 37 **(1) One member with expertise in issues affecting labor and independent**
- 38 **contractors,**
- 39 **(2) One employer with more than 50 employees,**
- 40 **(3) One member with expertise in issues related to paid family leave benefits and**
- 41 **paid medical leave benefits,**

- 1 (4) One employer with 50 or fewer employees,
- 2 (5) One member who is self-employed,
- 3 (6) One member who is an employer in the hospitality industry,
- 4 (7) One member with expertise in treating issues affecting maternity and
5 postpartum care,
- 6 (8) One member with expertise in agriculture, a seasonal workforce or a heritage
7 industry,
- 8 (9) One member with expertise in issues affecting elder care,
- 9 (10) One member with expertise in child care and early childhood development,
10 and
- 11 (11) One member with expertise in employment law representing employee
12 interests,

13 B The commissioner or the commissioner's designee,

14 C The controller or the controller's designee,

15 D The Commissioner of Professional and Financial Regulation or the commissioner's
16 designee, and

17 E One employee of the Department of Health and Human Services with expertise in
18 foster care and adoption designated by the commissioner '

19 Amend the bill in section 5 in sub-c 6-C in §850-O in subsection 5 in the first line
20 (page 16, line 32 in L D) by striking out the following "administrator" and inserting the
21 following 'department'

22 Amend the bill in section 5 in sub-c 6-C in §850-O in subsection 5 in the last line (page
23 16, line 33 in L D) by striking out the following "Administrator" and inserting the
24 following ', and'

25 Amend the bill in section 5 in sub-c 6-C in §850-O in subsection 6 in the 3rd line (page
26 16, line 36 in L D) by striking out the following "administrator" and inserting the
27 following 'department'

28 Amend the bill in section 5 in sub-c 6-C in §850-O by striking out all of subsection 7
29 (page 16, line 39 and page 17, lines 1 to 12 in L D) and inserting the following

30 '7. Duties. The authority

31 A Shall monitor the program on an ongoing basis to ensure the program's efficacy and
32 performance, including its fiscal accountability and its financial solvency,

33 B Owes a fiduciary duty to the program and shall monitor and issue recommendations
34 regarding the program's financial solvency,

35 C Shall propose changes to or advise the administrator on the laws, rules,
36 administrator policies and other significant issues related to paid family leave benefits
37 and paid medical leave benefits,

38 D Shall provide policy oversight and recommendations on the administration and
39 structure of the program,

1 E Shall review and make recommendations to the commissioner related to the
2 relationship between the administrator and the employers and employees participating
3 in the program and any education and outreach needs of the program.

4 F Shall solicit and consider public comment on the administration of the program.

5 G Shall consider and make recommendations on how to support employers with
6 implementation of the program and maintain stability of the labor workforce for
7 employers.

8 H May review all contracts regarding the program, including its administration and
9 financial solvency, and

10 I May recommend suggested legislation to the joint standing committee of the
11 Legislature having jurisdiction over labor matters. The joint standing committee of the
12 Legislature having jurisdiction over labor matters may submit a bill to any regular or
13 special session based on legislation suggested in accordance with this paragraph '

14 Amend the bill in section 5 in sub-c 6-C in §850-P by striking out all of the first
15 indented paragraph (page 17, lines 14 to 20 in L D) and inserting the following

16 'Contributions must begin January 1, 2025 to provide funds for the fund. The
17 administrator shall begin processing claims on May 1, 2026, except that, by February 1,
18 2026, the authority shall conduct an actuarial study to ensure the solvency of the fund in
19 order to begin processing claims on May 1st. If additional contributions are required based
20 on the results of the actuarial study, the authority, through a majority vote, may require a
21 one-time suspension of claims payments of no longer than 3 months.'

22 Amend the bill in section 5 in sub-c 6-C in §850-Q in the first indented paragraph in
23 the first line (page 17, line 26 in L D) by striking out the following "administrator" and
24 inserting the following 'department'

25 Amend the bill in section 5 in sub-c 6-C in §850-Q in the first indented paragraph in
26 the 2nd line (page 17, line 27 in L D) by striking out the following "administrator" and
27 inserting the following 'department'

28 Amend the bill by inserting after section 6 the following

29 **'Sec. 7. Initial appointments.** The Governor shall appoint the initial members of
30 the Paid Family and Medical Leave Benefits Authority pursuant to the Maine Revised
31 Statutes, Title 26, section 850-O, subsection 1, paragraph A no later than January 1, 2024

32 **Sec. 8. Transfer from General Fund unappropriated surplus; Paid Family**
33 **and Medical Leave Insurance Fund.** Notwithstanding any provision of law to the
34 contrary, on or before October 31, 2023, the State Controller shall transfer \$12,000,000
35 from the unappropriated surplus of the General Fund to the Department of Labor, Paid
36 Family and Medical Leave Insurance Fund, Other Special Revenue Funds account to
37 provide funds for the initial start-up costs to establish the paid family and medical leave
38 benefits program

39 **Sec. 9. Transfer from General Fund unappropriated surplus; Paid Family**
40 **and Medical Leave Insurance Fund.** Notwithstanding any provision of law to the
41 contrary, on or before July 31, 2024, the State Controller shall transfer \$13,000,000 from
42 the unappropriated surplus of the General Fund to the Department of Labor, Paid Family

COMMITTEE AMENDMENT "A" to S P 800, L D 1964

1 and Medical Leave Insurance Fund, Other Special Revenue Funds account to provide funds
 2 for the initial start-up costs to establish the paid family and medical leave benefits program

3 **Sec. 10. Appropriations and allocations.** The following appropriations and
 4 allocations are made

5 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
 6 **Departments and Agencies - Statewide 0016**

7 Initiative Allocates ongoing funds for the State's share of the premium contributions for
 8 family and medical leave benefits effective January 1, 2025

9	HIGHWAY FUND	2023-24	2024-25
10	All Other	\$0	\$272,075
11			
12	HIGHWAY FUND TOTAL	\$0	\$272,075

13 **Departments and Agencies - Statewide 0016**

14 Initiative Provides ongoing funds for the State's share of the premium contributions for
 15 family and medical leave benefits effective January 1, 2025

16	GENERAL FUND	2023-24	2024-25
17	All Other	\$0	\$984,444
18			
19	GENERAL FUND TOTAL	\$0	\$984,444

20
 21 **ADMINISTRATIVE AND FINANCIAL**
 22 **SERVICES, DEPARTMENT OF**
 23 **DEPARTMENT TOTALS**

24		2023-24	2024-25
25	GENERAL FUND	\$0	\$984,444
26	HIGHWAY FUND	\$0	\$272,075
27			
28	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,256,519

29 **LABOR, DEPARTMENT OF**

30 **Paid Family and Medical Leave Insurance Fund N453**

31 Initiative Allocates ongoing funds for one Public Service Executive III position, one Public
 32 Service Manager III position, one Public Service Manager II position, 3 Office Associate
 33 II positions and 2 Management Analyst II positions to establish and administer the paid
 34 family and medical leave benefits program

35	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
36	POSITIONS - LEGISLATIVE COUNT	8 000	8 000
37	Personal Services	\$500,000	\$859,500
38			
39	OTHER SPECIAL REVENUE FUNDS TOTAL	\$500,000	\$859,500

40 **Paid Family and Medical Leave Insurance Fund N453**

COMMITTEE AMENDMENT "A" to S P 800, L D 1964

1 Initiative Allocates ongoing funds for 2 Tax Section Manager positions, one Labor
 2 Program Specialist position, one Senior Hearing Examiner position, 4 Accounting
 3 Associate II positions, 4 Accounting Specialist positions, 4 Hearing Officer positions, one
 4 Financial Analyst position, 3 Field Advisor positions and 3 Auditor II positions to
 5 administer the paid family and medical leave benefits program

6	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
7	POSITIONS - LEGISLATIVE COUNT	0 000	23 000
8	Personal Services	\$0	\$1,786,800
9			
10	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$1,786,800</u>

11 **Paid Family and Medical Leave Insurance Fund N453**

12 Initiative Allocates funds for the contracting, travel, rent, technology and other general
 13 operating costs associated with implementing and administering the paid family and
 14 medical leave benefits program

15	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
16	All Other	\$11,315,000	\$10,015,000
17			
18	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$11,315,000</u>	<u>\$10,015,000</u>

19

20	LABOR, DEPARTMENT OF		
21	DEPARTMENT TOTALS	2023-24	2024-25
22			
23	OTHER SPECIAL REVENUE FUNDS	\$11,815,000	\$12,661,300
24			
25	DEPARTMENT TOTAL - ALL FUNDS	<u>\$11,815,000</u>	<u>\$12,661,300</u>

26

27	SECTION TOTALS	2023-24	2024-25
28			
29	GENERAL FUND	\$0	\$984,444
30	HIGHWAY FUND	\$0	\$272,075
31	OTHER SPECIAL REVENUE FUNDS	\$11,815,000	\$12,661,300
32			
33	SECTION TOTAL - ALL FUNDS	<u>\$11,815,000</u>	<u>\$13,917,819</u>

34

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

37

SUMMARY

38 This amendment is the majority report of the committee The amendment changes the
 39 title and makes the following changes to the bill

40 1 It establishes minimum criteria for the evaluation of proposals if the Department of
 41 Labor uses a competitive bidding process to contract with a 3rd party for claims
 42 administration for the paid family and medical leave benefits program

COMMITTEE AMENDMENT

- 1 2 It authorizes a tribal government to elect to participate in the program
- 2 3 It clarifies the definition of "wages "
- 3 4 It clarifies the definition of "qualifying exigency" related to a request for leave
- 4 necessitated by a family member's active military service
- 5 5 It reduces the maximum amount of family leave and medical leave that an individual
- 6 may take in a year from 16 weeks to 12 weeks
- 7 6 It reduces the maximum weekly benefit amount from 120% of the state average
- 8 weekly wage to 100% of the state average weekly wage and provides that the determination
- 9 of the weekly benefit amount is calculated in a manner to ensure that an individual receives
- 10 wage replacement at a rate of 90% for the portion of the covered individual's average
- 11 weekly wage that is equal to or less than 50% of the state average weekly wage and at a
- 12 rate of 66% for that portion of the covered individual's average weekly wage that is more
- 13 than 50% of the state average weekly wage up to the maximum weekly benefit
- 14 7 Except for an employee who has not been employed for at least 120 days, the
- 15 amendment provides that an employee is entitled to the same position or an equivalent
- 16 position upon return to work from family leave or medical leave
- 17 8 Absent an emergency, illness or other sudden necessity for taking leave, the
- 18 amendment requires an employee to give reasonable notice to the employee's supervisor of
- 19 the employee's intent to use leave and specifies that use of leave must be scheduled to
- 20 prevent undue hardship on the employer
- 21 9 It makes changes to the membership of the Paid Family and Medical Leave Benefits
- 22 Authority, provides that the authority owes a fiduciary duty to the program and requires the
- 23 initial appointment of members no later than January 1, 2024
- 24 10 It makes technical changes regarding the administration and oversight of the
- 25 program
- 26 11 It requires the State Controller to transfer \$12,000,000 on or before October 31,
- 27 2023 and \$13,000,000 on or before July 31, 2024 from the unappropriated surplus of the
- 28 General Fund to the department to provide funds for the initial start-up costs of the program
- 29 It also adds an appropriations and allocations section

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 1964

LR 9(02)

An Act to Implement the Recommendations of the Commission to Develop a Paid Family and Medical Leave Benefits Program

Fiscal Note for Bill as Amended by Committee Amendment "A" (CS-385)
 Committee: Labor and Housing
 Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$12,000,000	\$13,984,444	\$2,008,267	\$2,048,432
Highway Fund	\$0	\$272,075	\$555,033	\$566,134
Appropriations/Allocations				
General Fund	\$0	\$984,444	\$2,008,267	\$2,048,4
Highway Fund	\$0	\$272,075	\$555,033	\$566,134
Other Special Revenue Funds	\$11,815,000	\$12,661,300	\$65,253,267	\$316,899,800
Revenue				
Other Special Revenue Funds	\$0	\$168,981,000	\$345,230,000	\$360,074,200
Transfers				
General Fund	(\$12,000,000)	(\$13,000,000)	\$0	\$0
Other Special Revenue Funds	\$12,000,000	\$13,000,000	\$0	\$0

Fiscal Detail and Notes

This bill implements a paid family and medical leave benefits program that entitles eligible individuals to take leave from employment for certain family and medical reasons and receive paid benefits during that leave. It authorizes the assessment of a premium based on employee wages, to begin on January 1, 2025, to finance the payment of benefits as well as administrative costs. The bill provides that the premium amount may not be more than a combined rate of 1.0% of wages and that the contribution rate required to be remitted by an employer from employee wages must be determined by rule. This bill includes ongoing General Fund appropriations of \$984,444 and Highway Fund allocations of \$272,075 to the Department and Agencies - Statewide program within the Department of Administrative and Financial Services for the State's contributions effective January 1, 2025. This fiscal note assumes that the required contribution will be 1.0% and the State will contribute 50% of the cost.

This fiscal note utilizes information from the Maine Paid Family and Medical Leave Benefits Program actuarial study dated August 2022, performed by Milliman, Inc. Milliman, Inc. prepared numerous program "design options" with varying assumptions on income replacement, waiting periods and benefit periods to estimate the contributions and benefit amounts that each option would generate. Design option 7, which assumes 90% income replacement, a 7-day waiting period and a 12-week benefits period was determined to most closely reflect the provisions in this bill. Based on this option, contributions of \$168,981,000 are estimated to be received in fiscal year 2024-25. Future contributions are estimated to be \$345,230,000 in fiscal year 2025-26 and \$360,074,200 in fiscal year 2026-27. The amount of benefits to be paid to eligible employees, beginning May 1, 2026, are estimated to be \$47,716,667 in fiscal year 2025-26 and \$298,400,000 in fiscal year 2026-27. Assuming these estimates are realized, the bill's required fund balance (annualized amount), defined as 140% of the previous year's expenditures beginning in calendar year 2028, is likely to be achieved under a maximum 1% combined contribution rate.

The Department of Labor has estimated that it will cost approximately \$11,815,600 in fiscal year 2023-24 and \$12,661,300 in fiscal year 2024-25 to establish and implement the paid family and medical leave program. This estimate assumes funding for 8 positions in fiscal year 2023-24 and an additional 23 positions in fiscal year 2024-25 as well as All Other costs to support the positions and system development and modifications for the collection of premiums. Because contributions to support the program will not begin until the spring of 2025, a one-time transfer of \$12,000,000 no later than October 31, 2023 and an additional transfer of \$13,000,000 no later than July 31, 2024 from the unappropriated surplus of the General Fund to the Paid Family and Medical Leave Insurance Fund will be required. The department estimates it will require a total of 36 positions to fully administer the program beginning in fiscal year 2026-27 at a cost of 18,499,800.

As stated above, contributions received from the 1% assessment on wages reflect the cost to all employers and employees in the State whether private or public. Although General Fund appropriations and Highway Fund allocations are included in this bill to fund State agencies' share of the required contribution as an employer, funding for other employers who may receive partial funding from the State, including but not limited to school administrative units, municipalities and public higher educational institutions, is not included or estimated at this time. Whether such entities will require additional state funding in the future cannot be determined at this time.

Any family leave benefits and medical leave benefits paid under the program are not subject to the state income tax.

Additional costs to the Department of Professional and Financial Regulation, the Department of Health and Human Services and the Department of Administrative and Financial Services to have a representative serve on the Paid Family and Medical Leave Benefits Authority can be absorbed within existing budgeted resources.