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Date: (Filing No. H-)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 640, L.D. 921, Bill, “An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take Necessary Leave from Employment”

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

Sec. 1. 26 MRSA §850, sub-§3, as enacted by PL 1999, c. 435, §1, is amended to read:

3. Penalties. ~~The~~ If notice of a violation of this section is given to the employer and the Department of Labor within 6 months of the occurrence, the Department of Labor may assess civil penalties of up to \$200 for each violation of this section, if notice of the violation was given to the employer and the department within 6 months of the occurrence. as follows:

A. For denial of leave in violation of this section, a fine of up to \$1,000 for each violation of this section may be assessed. A fine assessed under this paragraph must be paid to the Treasurer of State. Additionally, the employer shall pay liquidated damages to the affected individual in an amount equal to 3 times the amount of total assessed fines; and

B. For termination in connection with an individual exercising a right granted by this section, the affected individual may elect to receive:

(1) Liquidated damages pursuant to paragraph A; or

(2) Reemployment with the employer with back wages.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF
Regulation and Enforcement 0159**

COMMITTEE AMENDMENT

1 Initiative: Provides funds for a half-time Labor and Safety Inspector position and related
2 All Other costs associated with the additional enforcement requirements.

3	GENERAL FUND	2015-16	2016-17
4	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
5	Personal Services	\$23,867	\$32,372
6	All Other	\$22,600	\$22,600
7			
8	GENERAL FUND TOTAL	<u>\$46,467</u>	<u>\$54,972</u>
9			

10 **SUMMARY**

11 This amendment, which is the minority report of the Joint Standing Committee on
12 Labor, Commerce, Research and Economic Development, strikes the bill and replaces it
13 with changes to the penalties that may be assessed for violations of the employment leave
14 for victims of violence law, as follows.

15 1. It increases the fine from up to \$200 per violation to up to \$1,000 per violation
16 and provides that the fine applies only to denials of leave in violation of the law.

17 2. It provides that, for denial of leave in violation of the law, the employer must pay
18 the affected individual an amount 3 times the total assessed fines.

19 3. It provides that, for termination in connection with exercising a right granted
20 under the law, the affected individual may choose either to receive an amount 3 times the
21 total assessed fines or reemployment with the employer with back wages.

22 The amendment also adds an appropriations and allocations section to the bill.

23 **FISCAL NOTE REQUIRED**

24 **(See attached)**