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Date: (Filing No. H-)

LABOR

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 922, L.D. 1400, “An Act to Exempt Certain Public School Districts and Their Employees from the Paid Family and Medical Leave Benefits Program”

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

'An Act to Exempt Certain Public School Districts and Agricultural Employers and Employees from the Paid Family and Medical Leave Benefits Program'

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 26 MRSA §850-A, sub-§13, as enacted by PL 2023, c. 412, Pt. AAA, §7, is amended to read:

13. Employee. "Employee" means a person who may be permitted, required or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment in the State but does not include an independent contractor or any individual employed in agriculture, as described in the Employment Security Law and the Federal Unemployment Tax Act, 26 United States Code, Section 3311.

Sec. 2. 26 MRSA §850-A, sub-§14, as enacted by PL 2023, c. 412, Pt. AAA, §7, is amended by amending the first blocked paragraph to read:

"Employer" does not include the Federal Government or any person, sole proprietorship, partnership, corporation, association or other business entity that employs individuals in agriculture, as described in the Employment Security Law and the Federal Unemployment Tax Act, 26 United States Code, Section 3311, in this State.'

Amend the bill in section 3 in the 2nd line (page 1, line 17 in L.D.) by inserting after the following: "**districts**" the following: '**and employers of individuals employed in agriculture and self-employed individuals employed in agriculture**'

Amend the bill in section 3 in the 4th line (page 1, line 19 in L.D.) by striking out the following: "850-S. A school district employer" and inserting the following: '850-S or by an employer of individuals employed in agriculture and self-employed individuals employed

COMMITTEE AMENDMENT

1 in agriculture, as described by the Employment Security Law and the Federal
2 Unemployment Tax Act, pursuant to Title 26, section 850-F. A school district employer
3 or employer of individuals employed in agriculture, as described in the Employment
4 Security Law and the Federal Unemployment Tax Act,'

5 Amend the bill by inserting after section 3 the following:

6 '**Sec. 4. Appropriations and allocations.** The following appropriations and
7 allocations are made.

8 **LABOR, DEPARTMENT OF**

9 **Paid Family and Medical Leave Insurance Fund Z383**

10 Initiative: Allocates one-time funds for the cost to calculate and refund contributions paid
11 by exempted school districts and agricultural employers.

12 PAID FAMILY AND MEDICAL LEAVE	2025-26	2026-27
13 INSURANCE FUND		
14 All Other	\$60,000	\$0
15		
16 PAID FAMILY AND MEDICAL LEAVE	<hr/> \$60,000	<hr/> \$0
17 INSURANCE FUND TOTAL		

18 '
19 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
20 number to read consecutively.

21 **SUMMARY**

22 This amendment changes the title of the bill and excludes from the paid family and
23 medical leave benefits program any individual employed in agriculture, including an
24 individual self-employed in agriculture, as described by the Employment Security Law and
25 the Federal Unemployment Tax Act. It requires the Department of Labor to refund
26 contributions made by employers of individuals in agriculture pursuant to the paid family
27 and medical leave benefits program. It requires an employer that deducted a portion of the
28 premium required for an employee from that employee's wage to remit that portion of the
29 premium to the employee as part of the employee's wage. It also adds an appropriations
30 and allocations section.

31 **FISCAL NOTE REQUIRED**

32 **(See attached)**