1   L.D. 898

2   Date: (Filing No. S-   )

3   **LABOR**

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

5   **STATE OF MAINE**

6   **SENATE**

7   **132ND LEGISLATURE**

8   **FIRST SPECIAL SESSION**

9   COMMITTEE AMENDMENT "   " to S.P. 387, L.D. 898, "An Act to Support Rural
10   Workforce Recruitment by Allowing Pay Differentials Based on Work Site Location and
11   Employee Experience and Credentials Under the Maine Equal Pay Law"

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

13   **'Resolve, to Support Rural Health Care Workforce Recruitment'**

14   Amend the bill by striking out everything after the title and inserting the following:

15   '**Emergency preamble. Whereas,** acts and resolves of the Legislature do not
16   become effective until 90 days after adjournment unless enacted as emergencies; and

17   **Whereas,** the State is experiencing a serious shortage of health care providers,
18   particularly in rural communities; and

19   **Whereas,** the changes to the Department of Labor's rules relating to equal pay
20   provided for in this legislation are designed to alleviate that health care provider shortage;
21   and

22   **Whereas,** in the judgment of the Legislature, these facts create an emergency within
23   the meaning of the Constitution of Maine and require the following legislation as
24   immediately necessary for the preservation of the public peace, health and safety; now,
25   therefore, be it

26   **Sec. 1. Department of Labor; rulemaking. Resolved:** That the Department of
27   Labor shall initiate rulemaking to amend its Bureau of Labor Standards rule Chapter 12:
28   Rules Relating to Equal Pay, as follows:

29   1. The rule must be amended in Section I(G) to clarify, for the purposes of the
30   definition of "establishment," that different entities or facilities operated by a hospital or
31   health care entity at different physical locations are not considered a single establishment;
32   and

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1   2. The rule must be amended in Section I(K) to clarify, for the purposes of the
2   definition of "seniority system," that preference under a seniority system must be given to
3   workers based on years of service or based on pertinent experience or credentials.

4   The rule changes directed under this section must be finally adopted by the department
5   no later than October 1, 2025. Rules adopted pursuant to this section are routine technical
6   rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

7   **Emergency clause.** In view of the emergency cited in the preamble, this legislation
8   takes effect when approved.'

9   Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
10   number to read consecutively.

11   **SUMMARY**

12   This amendment replaces the bill with a resolve and directs the Department of Labor
13   to amend its Bureau of Labor Standards rule Chapter 12: Rules Relating to Equal Pay to
14   make clarifications under that rule to the definitions of "establishment" and "seniority
15   system." Those rule changes must be accomplished through routine technical rulemaking
16   and must be finally adopted by the department no later than October 1, 2025.

17   **FISCAL NOTE REQUIRED**
18   **(See attached)**

COMMITTEE AMENDMENT