

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Retain Call Centers in Maine**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 26 MRSA c. 43** is enacted to read:

### **CHAPTER 43**

### **CALL CENTER RETENTION**

#### **§ 3501. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Agency.** "Agency" means an executive branch agency of the State.
- 2. Call center.** "Call center" means a business enterprise that employs, for the purpose of customer service or back office operations:
  - A.** Fifty or more employees, excluding part-time employees; or
  - B.** Fifty or more employees who in the aggregate work at least 1,500 hours per week, excluding overtime hours.
- 3. Commissioner.** "Commissioner" means the Commissioner of Labor.
- 4. Employer.** "Employer" means a person, partnership, firm, association or corporation, public or private, that operates a call center.
- 5. Part-time employee.** "Part-time employee" means an employee who works an average of less than 20 hours per week or who has been employed for less than 6 months during the 12 months preceding the date on which notice is required pursuant to section 3502, subsection 1.

#### **§ 3502. Notice requirement; list of employers**

- 1. Notice requirement.** An employer that intends to relocate a call center, or one or more facilities or operating units within a call center handling at least 30% of the call center's total call volume for the previous 12 months, from the State to a foreign country shall notify the commissioner at least 120 days before the relocation.
- 2. List.** The commissioner shall compile a semiannual list of all employers that relocate a call center or one or more facilities or operating units within a call center as described in subsection 1. The commissioner shall distribute the list to all agencies under the jurisdiction of the commissioner.

**3. Penalty.** An employer who fails to notify the commissioner of the relocation of a call center at least 120 days before the relocation may be assessed a fine of \$10,000 for each day the employer fails to notify the commissioner, except that the commissioner may reduce the amount for just cause shown.

### **§ 3503. Grants; guaranteed loans; tax benefits**

**1. Ineligibility.** Except as provided in subsection 3, and notwithstanding any other provision of law, an employer that appears on the list described in section 3502, subsection 2 is ineligible for any direct or indirect state grant, state guaranteed loan or tax benefit for 5 years after the date the list is compiled.

**2. Remit remaining amount.** Notwithstanding any other provision of law, an employer that appears on the list described in section 3502, subsection 2 shall remit the unamortized value of any state grant, state guaranteed loan or tax benefit the employer previously received to the commissioner.

**3. Exceptions.** The commissioner, in consultation with the appropriate agency, may waive the eligibility restriction under subsection 1 if the employer applying for a loan or grant demonstrates that a lack of a state grant, state guaranteed loan or tax benefit would result in substantial job loss in the State or harm the environment.

### **§ 3504. In-state procurement**

An agency head shall ensure that all call center work contracted for by the agency is performed by contractors or their agents or subcontractors located entirely within the State.

### **§ 3505. State benefits for workers**

This chapter may not be construed to permit withholding or denial of payments, compensation or benefits under any other state law, including state unemployment compensation, disability payments or worker retraining or readjustment funds, from or to employees employed by employers that relocate to a foreign country.

**Sec. 2. Contract with State.** An employer who on the effective date of this Act is under contract with the State to perform call center work and performs that work outside the State has 2 years to comply with the Maine Revised Statutes, Title 26, chapter 43, except that if the employer adds employees to perform call center work under the contract, the new employees must immediately be employed within the State.

**Sec. 3. Effective date.** This Act takes effect 180 days after adjournment of the Second Regular Session of the 126th Legislature.

## **SUMMARY**

This bill requires the Commissioner of Labor to create a list of employers that have relocated a call center, or a facility or operating unit handling at least 30% of call volume within a call center, from the State to a foreign country. An employer appearing on the list is ineligible for a state grant, loan or tax benefit for 5 years. The bill also requires the employer to pay back the unamortized value of a state

grant, loan or tax benefit previously issued to such an employer. The bill requires that call center work for executive branch agencies of the State be performed in the State. If the employer fails to notify the Commissioner of Labor of the relocation of a call center at least 120 days before the relocation, a daily fine of \$10,000 may be assessed.