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Date: (Filing No. H-)

LABOR AND HOUSING

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 199, L.D. 301, “An Act to Exempt Employers from Providing Earned Paid Leave for Certain Employees”

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

Sec. 1. 26 MRSA §637, sub-§1, ¶C, as enacted by PL 2019, c. 156, §3 and affected by §4, is repealed and the following enacted in its place:

C. "Employee" means a person engaged in employment but does not include a person who works less than 320 hours in a year for an employer, works an irregular schedule and is:

- (1) A person employed by a school administrative unit as a coach, as a substitute teacher or in another substitute position, except that a long-term substitute teacher who works full-time for at least 4 consecutive weeks is an employee under this paragraph;
- (2) A temporary employee in a retail or service establishment. For the purposes of this subparagraph, "temporary employee" means a person contracted to work on a position for a limited time and "retail or service establishment" means a retail or service establishment as described in accordance with 29 Code of Federal Regulations, Section 779.24; or
- (3) An election clerk who performs the duties described in Title 21-A, section 503-A.

Sec. 2. 26 MRSA §637, sub-§5-A is enacted to read:

5-A. Use of earned leave. An employee must use a minimum of 4 hours of earned leave at one time unless an employer allows the employee to use earned leave at an increment less than 4 hours.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

COMMITTEE AMENDMENT

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

3 Initiative: Provides ongoing funds for one Labor and Safety Inspector position to
4 investigate potential violations of the law regarding earned paid leave.

5	GENERAL FUND	2023-24	2024-25
6	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
7	Personal Services	\$67,007	\$93,810
8	All Other	\$4,252	\$5,669
9			
10	GENERAL FUND TOTAL	\$71,259	\$99,479

11 '
12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
13 number to read consecutively.

14 **SUMMARY**

15 This amendment is the minority report of the committee. It replaces the bill. The
16 amendment exempts from the law that requires employers to offer earned paid leave to
17 employees an employer of a person who works less than 320 hours in a year for the
18 employer, works an irregular schedule and is:

- 19 1. Employed by a school administrative unit as a coach, as a substitute teacher or in
- 20 another substitute position, except for a long-term substitute teacher who works full-time
- 21 for at least 4 consecutive weeks;
- 22 2. A temporary employee in a retail or service establishment; or
- 23 3. An election clerk.

24 The amendment also specifies that an employee must use a minimum of 4 hours of
25 earned leave at one time unless an employer allows the employee to use earned leave at an
26 increment less than 4 hours.

27 **FISCAL NOTE REQUIRED**
28 **(See attached)**