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Date: (Filing No. S- )

**LABOR AND HOUSING**

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

**STATE OF MAINE  
SENATE  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 800, L.D. 1964, “An Act to Implement the Recommendations of the Commission to Develop a Paid Family and Medical Leave Benefits Program”

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

**'An Act to Create the Maine Paid Family and Medical Leave Benefits Program'**

Amend the bill by striking out all of sections 3 and 4 and inserting the following:

**'Sec. 3. 26 MRSA §42, first ¶**, as amended by PL 1999, c. 649, §1, is further amended to read:

The bureau shall collect, assort and arrange statistical details relating to all departments of labor and industrial pursuits in the State; to trade unions and other labor organizations and their effect upon labor and capital; to the number and character of industrial accidents and their effect upon the injured, their dependent relatives and upon the general public; to other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions prevailing within the State, including the names of firms, companies or corporations, where located, the kind of goods produced or manufactured, the time operated each year, the number of employees classified according to age and sex and the daily and average wages paid each employee; and the exploitation of such other subjects as will tend to promote the permanent prosperity of the industries of the State. The director is authorized and empowered, subject to the approval of the Governor, to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out this section, and meet such requirements with respect to the administration of such funds, not inconsistent with this section, as are required as conditions precedent to receiving such funds. An accounting of such funds and a report of the use to which they were put must be included in the biennial report to the Governor. Each agency of government shall cooperate fully with the bureau's efforts to compile labor and industrial statistics. The director shall cause to be enforced all laws regulating the employment of minors; all laws established for the protection of health, lives and limbs of operators in workshops and factories, on railroads and in other places; all laws regulating the payment of wages; and

**COMMITTEE AMENDMENT**

1 all laws enacted for the protection of the working classes. During an investigation to  
2 enforce those laws, the director may request records and other information relating to an  
3 employer's compliance with unemployment compensation and workers' compensation  
4 laws, including information needed to determine whether the employer has properly  
5 classified a worker as an independent contractor, and shall report suspected violations of  
6 those laws to the state or federal agency responsible for enforcing them. The director may  
7 adopt, in accordance with the Maine Administrative Procedure Act, rules regarding all such  
8 laws, except where this authority is granted to a board or commission. Rules adopted  
9 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,  
10 subchapter ~~H-A~~ 2-A. The director shall, on or before the first day of July, biennially, report  
11 to the Governor, and may make such suggestions and recommendations as the director may  
12 deem necessary for the information of the Legislature. The director may from time to time  
13 cause to be printed and distributed bulletins upon any subject that is of public interest and  
14 benefit to the State, including, but not limited to, the paid family and medical leave benefits  
15 program established in chapter 7, subchapter 6-C, and may conduct a program of research,  
16 education and promotion to reduce industrial accidents. The director may review various  
17 data, such as workers' compensation records, as well as other information relating to any  
18 public or private employer's safety experience. When any individual public or private  
19 employer's safety experience causes the director to question seriously the safe working  
20 environment of that employer, the director may offer any safety education and consultation  
21 programs to that employer that may be beneficial in providing a safer work environment.  
22 If the employer refuses this assistance or is in serious noncompliance which may lead to  
23 injuries, or if serious threats to worker safety continue, then the director shall communicate  
24 concerns to appropriate agencies, such as the United States Occupational Safety and Health  
25 Administration. As used in this section, the term "noncompliance" means a lack of  
26 compliance with any applicable health and safety regulations of the United States  
27 Occupational Safety and Health Administration or other federal agencies. The bureau is  
28 responsible for the enforcement of indoor air quality and ventilation standards with respect  
29 to state-owned buildings and buildings leased by the State. The bureau shall enforce air  
30 quality standards in a manner to ensure that corrections to problems found in buildings be  
31 made over a reasonable period of time, using consent agreements and other approaches as  
32 necessary and reasonable.

33 **Sec. 4. 26 MRSA §42-B, sub-§1, ¶F**, as amended by PL 2019, c. 156, §1 and  
34 affected by §4, is further amended to read:

35 F. Minimum wage and overtime provisions as described in section 664; ~~and~~

36 **Sec. 5. 26 MRSA §42-B, sub-§1, ¶G**, as enacted by PL 2019, c. 156, §2 and  
37 affected by §4, is amended to read:

38 G. Earned paid leave; ~~and~~

39 **Sec. 6. 26 MRSA §42-B, sub-§1, ¶H** is enacted to read:

40 H. Paid family and medical leave as provided in chapter 7, subchapter 6-C.'

41 Amend the bill in section 5 in sub-c. 6-C in §850-A in subsection 1 in the 2nd line  
42 (page 2, line 4 in L.D.) by inserting after the following: "implement" the following: 'and  
43 operate'

1 Amend the bill in section 5 in sub-c. 6-C in §850-A by striking out all of subsection 2  
2 (page 2, lines 5 to 7 in L.D.).

3 Amend the bill in section 5 in sub-c. 6-C in §850-A by striking out all of subsection 4  
4 (page 2, lines 10 to 14 in L.D.) and inserting the following:

5 **'4. Average weekly wage.** "Average weekly wage," as used to establish the maximum  
6 weekly benefit amount for purposes of this subchapter, means 1/52 of aggregate total wages  
7 paid in the State for a covered individual, as reported on employer contribution reports for  
8 the calendar year, divided by the arithmetic mean of midmonth weekly covered  
9 employment reported on employer contribution reports for the calendar year in the form  
10 and manner determined by the department.'

11 Amend the bill in section 5 in sub-c. 6-C in §850-A by striking out all of subsection 6  
12 (page 2, lines 17 to 19 in L.D.) and inserting the following:

13 **'6. Benefit year.** "Benefit year" means the 12-month period beginning on the first day  
14 of the calendar week immediately preceding the date on which family leave benefits or  
15 medical leave benefits commence.'

16 Amend the bill in section 5 in sub-c. 6-C in §850-A in subsection 8 in the first line  
17 (page 2, line 21 in L.D.) by striking out the following: "made by an employee" and inserting  
18 the following: 'remitted by an employer'

19 Amend the bill in section 5 in sub-c. 6-C in §850-A in subsection 14 in the last line  
20 (page 3, line 14 in L.D.) by inserting after the following: "employment" the following: 'in  
21 the State'

22 Amend the bill in section 5 in sub-c. 6-C in §850-A in subsection 15 in paragraph D in  
23 the first line (page 3, line 21 in L.D.) by striking out the following: "and"

24 Amend the bill in section 5 in sub-c. 6-C in §850-A in subsection 15 in paragraph E in  
25 the first line (page 3, line 22 in L.D.) by striking out the following: "." and inserting the  
26 following: '; and'

27 Amend the bill in section 5 in sub-c. 6-C in §850-A in subsection 15 by inserting after  
28 paragraph E the following:

29 **'F. A tribal government that has elected coverage pursuant to section 850-G.'**

30 Amend the bill in section 5 in sub-c. 6-C in §850-A in subsection 18 in the last line  
31 (page 3, line 30 in L.D.) by striking out the following: "1" and inserting the following: '2'

32 Amend the bill in section 5 in sub-c. 6-C in §850-A in subsection 20 by striking out all  
33 of paragraph G (page 4, lines 14 to 16 in L.D.) and inserting the following:

34 **'G. As designated by the covered individual in accordance with rule, an individual with**  
35 **whom the covered individual has a significant personal bond that is or is like a family**  
36 **relationship, regardless of biological or legal relationship.'**

37 Amend the bill in section 5 in sub-c. 6-C in §850-A in subsection 23 in the last line  
38 (page 4, line 24 in L.D.) by striking out the following: "2" and inserting the following: '3'

39 Amend the bill in section 5 in sub-c. 6-C in §850-A by striking out all of subsection 26  
40 (page 4, lines 30 to 37 in L.D.) and inserting the following:

1           **26. Qualifying exigency.** "Qualifying exigency" means an exigency determined  
2 pursuant to the federal Family and Medical Leave Act of 1993, 29 United States Code,  
3 Section 2612(a)(1)(E).'

4           Amend the bill in section 5 in sub-c. 6-C in §850-A in subsection 28 in the first line  
5 (page 5, line 16 in L.D.) by inserting after the following: "means" the following: 'an  
6 independent contractor as described in section 1043, subsection 11, paragraph E.'

7           Amend the bill in section 5 in sub-c. 6-C in §850-A in subsection 31 in the 2nd line  
8 (page 5, line 28 in L.D.) by striking out the following: "administrator" and inserting the  
9 following: 'department'

10           Amend the bill in section 5 in sub-c. 6-C in §850-A by striking out all of subsection 32  
11 (page 5, lines 30 and 31 in L.D.) and inserting the following:

12           **32. Wages.** "Wages" includes, but is not limited to, salary, wages, tips, commissions  
13 and other compensation as determined by rule. For a self-employed individual who elects  
14 coverage under section 850-G, "wages" includes, but is not limited to, self-employment  
15 income as defined by 26 United States Code, Section 1402(b).'

16           Amend the bill in section 5 in sub-c. 6-C in §850-B by striking out all of the first  
17 indented paragraph (page 5, lines 36 to 40 in L.D.) and inserting the following:

18           'The paid family and medical leave benefits program is established effective January  
19 1, 2026. The program is administered by the department. In accordance with subsection  
20 1, the department may, through contract after a competitive bidding process subject to the  
21 requirements of Title 5, section 1816-B, authorize a 3rd party to conduct claims  
22 administration.'

23           Amend the bill in section 5 in sub-c. 6-C in §850-B by inserting after the first indented  
24 paragraph the following:

25           **1. Competitive bidding process.** Any competitive bidding process used by the  
26 department pursuant to this section is governed by this subsection.

27           A. The minimum criteria established by the department to evaluate a proposal must  
28 include, but are not limited to cost; transparency of business operations; efficiency of  
29 business operations; quality of work related to the potential contracts issued; user  
30 experience; confidentiality and use of claimant data; software development,  
31 information technology and state ownership of software and specialized information  
32 technology; accountability; experience with providing education to the public related  
33 to claims; and a cost-benefit analysis documenting the direct and indirect costs of such  
34 a contract, including qualitative and quantitative benefits that will result from the  
35 implementation of such a contract.

36           B. Any 3rd party that submits a proposal must have a meaningful physical presence in  
37 the State; have no adjudicated record of substantial or repeated willful noncompliance  
38 with any relevant federal, state or local law, statute or regulation, including payment  
39 of taxes or other payments owed to a public entity; attest to compliance with all  
40 applicable local, state and federal laws, regulations and statutes, including health and  
41 safety, labor and employment and licensing laws that affect the employees, worksite  
42 or performance of the contract; complete a signed pledge of compliance provided by  
43 the State to comply with all applicable laws, statutes and regulations; and attest that

1 any projected cost savings may not derive from the 3rd party’s failure to provide  
2 adequate wages.

3 C. The requirements of Title 5, section 1825-B, subsection 7 do not apply.'

4 Amend the bill in section 5 in sub-c. 6-C in §850-B in subsection 2 in the last 2 lines  
5 (page 6, lines 11 and 12 in L.D.) by striking out the following: "perform the job functions  
6 for the position held by that covered individual" and inserting the following: 'work'

7 Amend the bill in section 5 in sub-c. 6-C in §850-B in subsection 3 in paragraph A in  
8 the first 2 lines (page 6, lines 14 and 15 in L.D.) by striking out the following: "an  
9 application" and inserting the following: 'a benefit'

10 Amend the bill in section 5 in sub-c. 6-C in §850-B in subsection 3 in paragraph B in  
11 the first 2 lines (page 6, lines 16 and 17 in L.D.) by striking out the following: "an  
12 application" and inserting the following: 'a benefit'

13 Amend the bill in section 5 in sub-c. 6-C in §850-B in subsection 3 in paragraph C in  
14 the first line (page 6, line 18 in L.D.) by striking out the following: "16" and inserting the  
15 following: '12'

16 Amend the bill in section 5 in sub-c. 6-C in §850-B in subsection 3 in paragraph C in  
17 the last line (page 6, line 19 in L.D.) by striking out the following: "application" and  
18 inserting the following: 'benefit'

19 Amend the bill in section 5 in sub-c. 6-C in §850-B by striking out all of subsection 6  
20 (page 6, lines 32 to 36 in L.D.) and inserting the following:

21 '6. Notice to employer. Absent an emergency, illness or other sudden necessity for  
22 taking leave, an employee shall give reasonable notice to the employee's supervisor of the  
23 employee's intent to use leave under this subchapter. Use of such leave must be scheduled  
24 to prevent undue hardship on the employer as reasonably determined by the employer. If  
25 an employer fails to provide notice as required under section 850-I, the employee's  
26 obligation to provide notice under this subsection is waived.'

27 Amend the bill in section 5 in sub-c. 6-C in §850-B in subsection 8 in the first line  
28 (page 7, line 3 in L.D.) by striking out the following: "7" and inserting the following: '8'

29 Amend the bill in section 5 in sub-c. 6-C in §850-B in subsection 9 in the first line  
30 (page 7, line 7 in L.D.) by inserting after the following: "bargaining" the following: ';  
31 employer policy; greater or additional rights'

32 Amend the bill in section 5 in sub-c. 6-C in §850-B in subsection 9 in paragraph B in  
33 the last line (page 7, line 12 in L.D.) by striking out the following: "; or" and inserting the  
34 following: ';'

35 Amend the bill in section 5 in sub-c. 6-C in §850-B in subsection 9 in paragraph C in  
36 the last line (page 7, line 14 in L.D.) by striking out the following: "." and inserting the  
37 following: '; or'

38 Amend the bill in section 5 in sub-c. 6-C in §850-B in subsection 9 by inserting after  
39 paragraph C the following:

40 'D. Require a public employer, as defined in section 962, subsection 7, or employee of  
41 a public employer that is a party to a collective bargaining agreement in existence on

1 the effective date of this subchapter to apply any of the rights and responsibilities under  
2 this subchapter until the existing collective bargaining agreement expires.'

3 Amend the bill in section 5 in sub-c. 6-C in §850-B in subsection 10 in the last line  
4 (page 7, line 19 in L.D.) by striking out the following: "application" and inserting the  
5 following: 'benefit'

6 Amend the bill in section 5 in sub-c. 6-C in §850-B by inserting after subsection 10 the  
7 following:

8 **'11. Employer policy may not waive employee rights.** An employer policy adopted  
9 or retained on or after the effective date of this subchapter may not diminish an employee's  
10 right to benefits under this subchapter. Any agreement by an employee to waive the  
11 employee's rights under this subchapter is against public policy and is void and  
12 unenforceable.'

13 Amend the bill in section 5 in sub-c. 6-C in §850-B by renumbering the subsections to  
14 read consecutively.

15 Amend the bill in section 5 in sub-c. 6-C in §850-C by striking out all of subsection 2  
16 (page 7, lines 25 to 28 in L.D.) and inserting the following:

17 **'2. Determination of weekly benefit amount.** The weekly benefit amount paid to  
18 employees and self-employed individuals on family leave or medical leave is calculated as  
19 follows:

20 A. The portion of the covered individual's average weekly wage that is equal to or less  
21 than 50% of the state average weekly wage must be replaced at a rate of 90%; and

22 B. The portion of the covered individual's average weekly wage that is more than 50%  
23 of the state average weekly wage must be replaced at a rate of 66% up to the maximum  
24 weekly benefit.'

25 Amend the bill in section 5 in sub-c. 6-C in §850-C by striking out all of subsection 3  
26 (page 7, lines 29 to 33 in L.D.) and inserting the following:

27 **'3. Maximum benefit amount adjustment.** The maximum weekly benefit amount  
28 calculated under subsection 2 is the state average weekly wage. By January 1st of the year  
29 in which claims begin being processed and annually thereafter, the department shall take  
30 into consideration the recommendation of the authority to adjust the maximum weekly  
31 benefit amount as necessary, and the adjusted maximum weekly benefit amount takes effect  
32 on January 1st of the year following the adjustment. The authority shall recommend  
33 adjusting the maximum benefit amount in order to maintain the solvency of the fund at a  
34 level of at least the annualized amount described in section 850-E, subsection 3.'

35 Amend the bill in section 5 in sub-c. 6-C in §850-C in subsection 4 in the last line (page  
36 7, line 36 in L.D.) by striking out the following: "administrator" and inserting the following:  
37 'department'

38 Amend the bill in section 5 in sub-c. 6-C in §850-C in subsection 5 by striking out all  
39 of paragraph A (page 7, lines 40 and 41 and page 8, lines 1 and 2 in L.D.) and inserting the  
40 following:

41 'A. A government program or law, including, but not limited to, unemployment  
42 insurance under this Title and workers' compensation under Title 39-A other than for

1            compensation received under Title 39-A, section 213 for an injury that occurred prior  
2            to the family leave or medical leave claim, or under other state or federal temporary or  
3            permanent disability benefits law; or'

4            Amend the bill in section 5 in sub-c. 6-C in §850-D by striking out all of subsection 4  
5            (page 8, lines 19 to 24 in L.D.) and inserting the following:

6            **'4. Confidentiality.** Any medical or health information required under this section  
7            must be treated as confidential and may not be disclosed except with permission from the  
8            covered individual who provided it unless disclosure is otherwise required by law. Nothing  
9            in this section may be construed to compel a health care provider to provide any  
10           information for certification that would be in violation of Section 1177 of the federal Social  
11           Security Act, 42 United States Code, Section 1320d-6.'

12           Amend the bill in section 5 in sub-c. 6-C in §850-D in subsection 5 in the 6th line (page  
13           8, line 30 in L.D.) by striking out the following: "administrator" and inserting the following:  
14           'department'

15           Amend the bill in section 5 in sub-c. 6-C in §850-E in subsection 1 in the 6th line (page  
16           8, line 38 in L.D.) by striking out the following: "administrator" and inserting the following:  
17           'department'

18           Amend the bill in section 5 in sub-c. 6-C in §850-E in subsection 1 in the 8th line (page  
19           8, line 40 in L.D.) by striking out the following: "administrator" and inserting the following:  
20           'department'

21           Amend the bill in section 5 in sub-c. 6-C in §850-E by striking out all of subsection 3  
22           (page 9, lines 8 to 10 in L.D.) and inserting the following:

23           **'3. Annualized amount.** The fund must maintain an annualized amount as determined  
24           by an annual study by a qualified actuary that examines the program's recent and expected  
25           future claims experience, administrative expenses and target fund requirements.'

26           Amend the bill in section 5 in sub-c. 6-C in §850-E by striking out all of subsection 6  
27           (page 9, lines 26 to 42 and page 10, lines 1 to 4 in L.D.) and inserting the following:

28           **'6. Report.** Beginning October 1, 2026 and annually thereafter, the administrator shall  
29           publish a report providing the following information concerning the program for the  
30           previous fiscal year:

31           A. The total claims made, the total eligible claims and the percentage of total eligible  
32           claims out of total claims made;

33           B. The percentage of eligible claims attributable to medical leave;

34           C. The percentage of eligible claims attributable to family leave for the serious health  
35           condition of a family member;

36           D. The percentage of eligible claims attributable to family leave other than for the  
37           birth, adoption or fostering of a child;

38           E. The percentage of eligible claims attributable to family leave for the birth, adoption  
39           or fostering of a child;

40           F. The percentage of eligible claims attributable to family leave for a qualifying  
41           exigency;

- 1 G. The percentage of eligible claims attributable to family leave for a covered service
- 2 member;
- 3 H. The claimant demographics by age, gender identification, race, ethnicity, average
- 4 weekly wage, occupation and the type of leave taken;
- 5 I. The percentage of claims denied and the reasons for the denials;
- 6 J. The average weekly benefit amount paid for all claims and by the type of leave
- 7 taken;
- 8 K. The category of family member for whom family medical leave was taken to care
- 9 for the family member’s serious medical condition;
- 10 L. The time for initial claims processing and determination;
- 11 M. The average length of time between an application and receipt of benefits;
- 12 N. The average leave duration for each purpose of leave; and
- 13 O. Any changes in gross benefits paid compared to the previous fiscal year.

14 The administrator shall submit the annual report required by this subsection to the  
15 department, the authority and the joint standing committee of the Legislature having  
16 jurisdiction over labor matters.'

17 Amend the bill in section 5 in sub-c. 6-C in §850-F by striking out all of subsection 2  
18 (page 10, lines 9 to 11 in L.D.) and inserting the following:

19 **'2. Employer to remit employer contribution reports and premiums. Beginning**  
20 **January 1, 2025, for each employee, an employer shall remit employer contribution reports**  
21 **and premiums in the form and manner determined by the administrator. Employer**  
22 **contribution reports and premiums must be remitted quarterly.'**

23 Amend the bill in section 5 in sub-c. 6-C in §850-F in subsection 3 by striking out all  
24 of paragraph B (page 10, lines 15 to 27 in L.D.) and inserting the following:

25 'B. Annually, for the 2028 calendar year and each calendar year thereafter, not later  
26 than October 1st, the department shall set the premium for the coming calendar year  
27 based on a percentage of employee wages and at the rate necessary to obtain a total  
28 amount of premium contributions in order to maintain the solvency of the fund at a  
29 level of at least the annualized amount described in section 850-E, subsection 3, plus  
30 an amount equal to 100% of the cost of administration of the payment of those benefits  
31 during the previous fiscal year, less the amount of net assets remaining in the fund as  
32 of June 30th of the current calendar year. If, for the 2028 calendar year or any calendar  
33 year thereafter, the premium rate adjustment pursuant to this subsection is an increase  
34 and results in the difference between the rate of the upcoming calendar year and the  
35 current calendar year equaling more than 0.1% of wages paid, the department shall  
36 submit a report regarding fund solvency and factors contributing to rate setting to the  
37 joint standing committee of the Legislature having jurisdiction over labor matters.'

38 Amend the bill in section 5 in sub-c. 6-C in §850-F in subsection 4 in paragraph A in  
39 the first line (page 10, line 30 in L.D.) by inserting after the following: "pay" the following:  
40 'up to'

41 Amend the bill in section 5 in sub-c. 6-C in §850-F in subsection 4 in paragraph A in  
42 the 2nd line (page 10, line 31 in L.D.) by striking out the following: "for an employee"

1 Amend the bill in section 5 in sub-c. 6-C in §850-F in subsection 5 in paragraph A in  
2 the last line (page 10, line 39 in L.D.) by striking out the following: "premium" and  
3 inserting the following: 'combined premium contribution'

4 Amend the bill in section 5 in sub-c. 6-C in §850-F in subsection 9 in the last 2 lines  
5 (page 11, lines 15 and 16 in L.D.) by striking out the following: "for the 2028 calendar year  
6 and annually thereafter" and inserting the following: 'annually'

7 Amend the bill in section 5 in sub-c. 6-C in §850-G in subsection 1 in the 4th line (page  
8 11, line 32 in L.D.) by striking out the following: "administrator" and inserting the  
9 following: 'department'

10 Amend the bill in section 5 in sub-c. 6-C in §850-G in subsection 1 in the 6th line (page  
11 11, line 34 in L.D.) by striking out the following: "administrator" and inserting the  
12 following: 'department'

13 Amend the bill in section 5 in sub-c. 6-C in §850-G in subsection 3 in the last line (page  
14 11, line 43 in L.D.) by striking out the following: "administrator" and inserting the  
15 following: 'department'

16 Amend the bill in section 5 in sub-c. 6-C in §850-G by inserting after subsection 3 the  
17 following:

18 **'4. Tribal government. A tribal government may elect to be covered under this**  
19 **subchapter, or to terminate coverage, in the same manner as provided in this section, subject**  
20 **to such procedures as the department may require by rule.'**

21 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 1 in the 2nd line  
22 (page 12, line 3 in L.D.) by striking out the following: "administrator" and inserting the  
23 following: 'department'

24 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 1 in the 3rd line (page  
25 12, line 4 in L.D.) by striking out the following: "all of the same"

26 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 1 in the 4th line (page  
27 12, line 5 in L.D.) by inserting after the following: "benefits" the following: 'substantially  
28 equivalent to those'

29 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 1 in paragraph A in  
30 the last line (page 12, line 7 in L.D.) by striking out the following: "1 and 2" and inserting  
31 the following: '2 and 3'

32 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 1 by striking out all  
33 of paragraph B (page 12, lines 8 to 10 in L.D.) and inserting the following:

34 **'B. Providing family leave benefits and medical leave benefits to a covered individual**  
35 **for a maximum number of weeks substantially equivalent to the maximum number of**  
36 **weeks required in section 850-B, subsection 4 in a benefit year.'**

37 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 1 in paragraph C in  
38 the last line (page 12, line 12 in L.D.) by striking out the following: "of at least" and  
39 inserting the following: 'that is substantially equivalent to'

40 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 1 in paragraph D in  
41 the last line (page 12, line 14 in L.D.) by striking out the following: "of at least" and  
42 inserting the following: 'that is substantially equivalent to'

1 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 1 in paragraph E in  
2 the last line (page 12, line 16 in L.D.) by striking out the following: "4" and inserting the  
3 following: '5'

4 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 2 in paragraph A in  
5 the last line (page 12, line 31 in L.D.) by striking out the following: "administrator" and  
6 inserting the following: 'department'

7 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 2 in paragraph C in  
8 the last line (page 12, line 35 in L.D.) by striking out the following: "approved by" and  
9 inserting the following: 'authorized to do business in'

10 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 3 in the first line  
11 (page 12, line 36 in L.D.) by striking out the following: "administrator" and inserting the  
12 following: 'department'

13 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 5 in the 2nd line  
14 (page 13, line 10 in L.D.) by striking out the following: "administrator" and inserting the  
15 following: 'department'

16 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 6 in the 2nd line  
17 (page 13, line 13 in L.D.) by striking out the following: "administrator" and inserting the  
18 following: 'department'

19 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 6 in the 3rd line (page  
20 13, line 14 in L.D.) by striking out the following: "administrator" and inserting the  
21 following: 'department'

22 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 7 in the first line  
23 (page 13, line 16 in L.D.) by striking out the following: "administrator" and inserting the  
24 following: 'department'

25 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 7 in the 2nd line  
26 (page 13, line 17 in L.D.) by striking out the following: "administrator" and inserting the  
27 following: 'department'

28 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 7 in the 4th line (page  
29 13, line 19 in L.D.) by striking out the following: "administrator" and inserting the  
30 following: 'department'

31 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 7 in the 5th line (page  
32 13, line 20 in L.D.) by striking out the following: "administrator" and inserting the  
33 following: 'department'

34 Amend the bill in section 5 in sub-c. 6-C in §850-H in subsection 7 in the 5th line (page  
35 13, line 20 in L.D.) by striking out the following: "administrator shall" and inserting the  
36 following: 'department shall'

37 Amend the bill in section 5 in sub-c. 6-C in §850-H by inserting after subsection 7 the  
38 following:

39 '8. Rules. The department shall adopt rules in accordance with section 850-Q  
40 regarding the determination of what constitutes a private plan that may be approved under  
41 this section.'

1 Amend the bill in section 5 in sub-c. 6-C in §850-I in subsection 1 in the 2nd line (page  
2 13, line 24 in L.D.) by striking out the following: "administrator" and inserting the  
3 following: 'department'

4 Amend the bill in section 5 in sub-c. 6-C in §850-I in subsection 1 in the 3rd line (page  
5 13, line 25 in L.D.) by striking out the following: "administrator" and inserting the  
6 following: 'department'

7 Amend the bill in section 5 in sub-c. 6-C in §850-I in subsection 1 in the last line (page  
8 13, line 30 in L.D.) by striking out the following: "administrator" and inserting the  
9 following: 'department'

10 Amend the bill in section 5 in sub-c. 6-C in §850-I in subsection 2 in the 3rd line (page  
11 13, line 33 in L.D.) by striking out the following: "administrator" and inserting the  
12 following: 'department'

13 Amend the bill in section 5 in sub-c. 6-C in §850-I by striking out all of subsection 4  
14 (page 14, lines 7 to 12 in L.D.).

15 Amend the bill in section 5 in sub-c. 6-C by striking out all of §850-J (page 14, lines  
16 13 to 25 in L.D.) and inserting the following:

17 **§850-J. Employer requirements; return to work from family or medical leave**

18 **1. Restoration to position upon return to work.** Except for an employee who has  
19 not been employed for at least 120 days, an employee who exercises the right to family  
20 leave or medical leave under this subchapter is entitled, upon return from that leave, to be  
21 restored by the employer to the position held by the employee when the leave commenced  
22 or to be restored to an equivalent position with equivalent employment benefits, pay and  
23 other terms and conditions of employment.

24 **2. Retaliation prohibited.** An employer may not discharge, fire, suspend, expel or  
25 discipline, through the application of attendance policies or otherwise, or threaten or in any  
26 manner discriminate against an employee for the exercise of any right to which the  
27 employee is entitled under this subchapter or with the purpose of interfering with the  
28 exercise of any right to which the employee is entitled under this subchapter.

29 **3. Enforcement; violation.** The department shall take enforcement action against an  
30 employer for a violation of this section.'

31 Amend the bill in section 5 in sub-c. 6-C in §850-K in subsection 1 in the first line  
32 (page 14, line 27 in L.D.) by striking out the following: "administrator" and inserting the  
33 following: 'department'

34 Amend the bill in section 5 in sub-c. 6-C in §850-K in subsection 1 in the 3rd line (page  
35 14, line 29 in L.D.) by striking out the following: "administrator" and inserting the  
36 following: 'department'

37 Amend the bill in section 5 in sub-c. 6-C in §850-K in subsection 2 in the last line (page  
38 14, line 34 in L.D.) by striking out the following: "administrator" and inserting the  
39 following: 'department'

40 Amend the bill in section 5 in sub-c. 6-C in §850-K in subsection 3 in the first line  
41 (page 14, line 35 in L.D.) by striking out the following: "administrator" and inserting the  
42 following: 'department'

1 Amend the bill in section 5 in sub-c. 6-C in §850-L in subsection 1 in the 3rd line (page  
2 14, line 42 in L.D.) by striking out the following: "administrator" and inserting the  
3 following: 'department'

4 Amend the bill in section 5 in sub-c. 6-C in §850-L in subsection 2 in the 3rd line (page  
5 15, line 5 in L.D.) by striking out the following: "administrator" and inserting the following:  
6 'department'

7 Amend the bill in section 5 in sub-c. 6-C in §850-L in subsection 2 in the 4th line (page  
8 15, line 6 in L.D.) by striking out the following: "administrator" and inserting the following:  
9 'department'

10 Amend the bill in section 5 in sub-c. 6-C in §850-M in subsection 1 in the 3rd line  
11 (page 15, line 12 in L.D.) by striking out the following: "administrator" and inserting the  
12 following: 'department'

13 Amend the bill in section 5 in sub-c. 6-C in §850-M by striking out all of subsection 2  
14 (page 15, lines 21 to 26 in L.D.).

15 Amend the bill in section 5 in sub-c. 6-C in §850-M in subsection 3 in the first line  
16 (page 15, line 27 in L.D.) by striking out the following: "administrator" and inserting the  
17 following: 'department'

18 Amend the bill in section 5 in sub-c. 6-C in §850-M by striking out all of subsection 4  
19 (page 15, lines 30 and 31 in L.D.).

20 Amend the bill in section 5 in sub-c. 6-C in §850-M in subsection 5 in the first line  
21 (page 15, line 32 in L.D.) by striking out the following: "administrator" and inserting the  
22 following: 'department'

23 Amend the bill in section 5 in sub-c. 6-C in §850-M in subsection 5 in the 2nd line  
24 (page 15, line 33 in L.D.) by inserting after the following: "regarding" the following:  
25 'federal and state'

26 Amend the bill in section 5 in sub-c. 6-C in §850-M in subsection 5 in the 4th line  
27 (page 15, line 35 in L.D.) by striking out the following: "administrator" and inserting the  
28 following: 'department'

29 Amend the bill in section 5 in sub-c. 6-C §850-M by renumbering the subsections to  
30 read consecutively.

31 Amend the bill in section 5 in sub-c. 6-C in §850-O by striking out all of subsection 1  
32 (page 16, lines 4 to 22 in L.D.) and inserting the following:

33 **1. Membership; appointments.** The authority consists of the following 15 members:

34 A. Eleven members appointed by the Governor, subject to review by the joint standing  
35 committee of the Legislature having jurisdiction over labor matters and to confirmation  
36 by the Senate:

37 (1) One member with expertise in issues affecting labor and independent  
38 contractors;

39 (2) One employer with more than 50 employees;

40 (3) One member with expertise in issues related to paid family leave benefits and  
41 paid medical leave benefits;

- 1           (4) One employer with 50 or fewer employees;  
2           (5) One member who is self-employed;  
3           (6) One member who is an employer in the hospitality industry;  
4           (7) One member with expertise in treating issues affecting maternity and  
5           postpartum care;  
6           (8) One member with expertise in agriculture, a seasonal workforce or a heritage  
7           industry;  
8           (9) One member with expertise in issues affecting elder care;  
9           (10) One member with expertise in child care and early childhood development;  
10          and  
11          (11) One member with expertise in employment law representing employee  
12          interests;

13          B. The commissioner or the commissioner's designee;

14          C. The controller or the controller's designee;

15          D. The Commissioner of Professional and Financial Regulation or the commissioner's  
16          designee; and

17          E. One employee of the Department of Health and Human Services with expertise in  
18          foster care and adoption designated by the commissioner.'

19          Amend the bill in section 5 in sub-c. 6-C in §850-O in subsection 5 in the first line  
20          (page 16, line 32 in L.D.) by striking out the following: "administrator" and inserting the  
21          following: 'department'

22          Amend the bill in section 5 in sub-c. 6-C in §850-O in subsection 5 in the last line (page  
23          16, line 33 in L.D.) by striking out the following: ". Administrator" and inserting the  
24          following: ', and'

25          Amend the bill in section 5 in sub-c. 6-C in §850-O in subsection 6 in the 3rd line (page  
26          16, line 36 in L.D.) by striking out the following: "administrator" and inserting the  
27          following: 'department'

28          Amend the bill in section 5 in sub-c. 6-C in §850-O by striking out all of subsection 7  
29          (page 16, line 39 and page 17, lines 1 to 12 in L.D.) and inserting the following:

30          '7. Duties. The authority:

31          A. Shall monitor the program on an ongoing basis to ensure the program's efficacy and  
32          performance, including its fiscal accountability and its financial solvency;

33          B. Owes a fiduciary duty to the program and shall monitor and issue recommendations  
34          regarding the program's financial solvency;

35          C. Shall propose changes to or advise the administrator on the laws, rules,  
36          administrator policies and other significant issues related to paid family leave benefits  
37          and paid medical leave benefits;

38          D. Shall provide policy oversight and recommendations on the administration and  
39          structure of the program;

1 E. Shall review and make recommendations to the commissioner related to the  
2 relationship between the administrator and the employers and employees participating  
3 in the program and any education and outreach needs of the program;

4 F. Shall solicit and consider public comment on the administration of the program;

5 G. Shall consider and make recommendations on how to support employers with  
6 implementation of the program and maintain stability of the labor workforce for  
7 employers;

8 H. May review all contracts regarding the program, including its administration and  
9 financial solvency; and

10 I. May recommend suggested legislation to the joint standing committee of the  
11 Legislature having jurisdiction over labor matters. The joint standing committee of the  
12 Legislature having jurisdiction over labor matters may submit a bill to any regular or  
13 special session based on legislation suggested in accordance with this paragraph.'

14 Amend the bill in section 5 in sub-c. 6-C in §850-P by striking out all of the first  
15 indented paragraph (page 17, lines 14 to 20 in L.D.) and inserting the following:

16 'Contributions must begin January 1, 2025 to provide funds for the fund. The  
17 administrator shall begin processing claims on May 1, 2026, except that, by February 1,  
18 2026, the authority shall conduct an actuarial study to ensure the solvency of the fund in  
19 order to begin processing claims on May 1st. If additional contributions are required based  
20 on the results of the actuarial study, the authority, through a majority vote, may require a  
21 one-time suspension of claims payments of no longer than 3 months.'

22 Amend the bill in section 5 in sub-c. 6-C in §850-Q in the first indented paragraph in  
23 the first line (page 17, line 26 in L.D.) by striking out the following: "administrator" and  
24 inserting the following: 'department'

25 Amend the bill in section 5 in sub-c. 6-C in §850-Q in the first indented paragraph in  
26 the 2nd line (page 17, line 27 in L.D.) by striking out the following: "administrator" and  
27 inserting the following: 'department'

28 Amend the bill by inserting after section 6 the following:

29 **'Sec. 7. Initial appointments.** The Governor shall appoint the initial members of  
30 the Paid Family and Medical Leave Benefits Authority pursuant to the Maine Revised  
31 Statutes, Title 26, section 850-O, subsection 1, paragraph A no later than January 1, 2024.

32 **Sec. 8. Transfer from General Fund unappropriated surplus; Paid Family**  
33 **and Medical Leave Insurance Fund.** Notwithstanding any provision of law to the  
34 contrary, on or before October 31, 2023, the State Controller shall transfer \$12,000,000  
35 from the unappropriated surplus of the General Fund to the Department of Labor, Paid  
36 Family and Medical Leave Insurance Fund, Other Special Revenue Funds account to  
37 provide funds for the initial start-up costs to establish the paid family and medical leave  
38 benefits program.

39 **Sec. 9. Transfer from General Fund unappropriated surplus; Paid Family**  
40 **and Medical Leave Insurance Fund.** Notwithstanding any provision of law to the  
41 contrary, on or before July 31, 2024, the State Controller shall transfer \$13,000,000 from  
42 the unappropriated surplus of the General Fund to the Department of Labor, Paid Family

1 and Medical Leave Insurance Fund, Other Special Revenue Funds account to provide funds  
 2 for the initial start-up costs to establish the paid family and medical leave benefits program.

3 **Sec. 10. Appropriations and allocations.** The following appropriations and  
 4 allocations are made.

5 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

6 **Departments and Agencies - Statewide 0016**

7 Initiative: Allocates ongoing funds for the State's share of the premium contributions for  
 8 family and medical leave benefits effective January 1, 2025.

9	<b>HIGHWAY FUND</b>	<b>2023-24</b>	<b>2024-25</b>
10	All Other	\$0	\$272,075
11			
12	HIGHWAY FUND TOTAL	\$0	\$272,075

13 **Departments and Agencies - Statewide 0016**

14 Initiative: Provides ongoing funds for the State's share of the premium contributions for  
 15 family and medical leave benefits effective January 1, 2025.

16	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
17	All Other	\$0	\$984,444
18			
19	GENERAL FUND TOTAL	\$0	\$984,444

20

21 **ADMINISTRATIVE AND FINANCIAL**  
 22 **SERVICES, DEPARTMENT OF**  
 23 **DEPARTMENT TOTALS**

23		<b>2023-24</b>	<b>2024-25</b>
24			
25	<b>GENERAL FUND</b>	\$0	\$984,444
26	<b>HIGHWAY FUND</b>	\$0	\$272,075
27			
28	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,256,519

29 **LABOR, DEPARTMENT OF**

30 **Paid Family and Medical Leave Insurance Fund N453**

31 Initiative: Allocates ongoing funds for one Public Service Executive III position, one Public  
 32 Service Manager III position, one Public Service Manager II position, 3 Office Associate  
 33 II positions and 2 Management Analyst II positions to establish and administer the paid  
 34 family and medical leave benefits program.

35	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
36	POSITIONS - LEGISLATIVE COUNT	8,000	8,000
37	Personal Services	\$500,000	\$859,500
38			
39	OTHER SPECIAL REVENUE FUNDS TOTAL	\$500,000	\$859,500

40 **Paid Family and Medical Leave Insurance Fund N453**

1 Initiative: Allocates ongoing funds for 2 Tax Section Manager positions, one Labor  
 2 Program Specialist position, one Senior Hearing Examiner position, 4 Accounting  
 3 Associate II positions, 4 Accounting Specialist positions, 4 Hearing Officer positions, one  
 4 Financial Analyst position, 3 Field Advisor positions and 3 Auditor II positions to  
 5 administer the paid family and medical leave benefits program.

6	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
7	POSITIONS - LEGISLATIVE COUNT	0.000	23.000
8	Personal Services	\$0	\$1,786,800
9			
10	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$1,786,800</u>

11 **Paid Family and Medical Leave Insurance Fund N453**

12 Initiative: Allocates funds for the contracting, travel, rent, technology and other general  
 13 operating costs associated with implementing and administering the paid family and  
 14 medical leave benefits program.

15	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
16	All Other	\$11,315,000	\$10,015,000
17			
18	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$11,315,000</u>	<u>\$10,015,000</u>

20 **LABOR, DEPARTMENT OF**  
 21 **DEPARTMENT TOTALS**

22		<b>2023-24</b>	<b>2024-25</b>
23	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$11,815,000</b>	<b>\$12,661,300</b>
24			
25	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$11,815,000</b></u>	<u><b>\$12,661,300</b></u>

26  
 27 **SECTION TOTALS**

28		<b>2023-24</b>	<b>2024-25</b>
29	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$984,444</b>
30	<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$272,075</b>
31	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$11,815,000</b>	<b>\$12,661,300</b>
32			
33	<b>SECTION TOTAL - ALL FUNDS</b>	<u><b>\$11,815,000</b></u>	<u><b>\$13,917,819</b></u>

34  
 35 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
 36 number to read consecutively.

37 **SUMMARY**

38 This amendment is the majority report of the committee. The amendment changes the  
 39 title and makes the following changes to the bill.

- 40 1. It establishes minimum criteria for the evaluation of proposals if the Department of  
 41 Labor uses a competitive bidding process to contract with a 3rd party for claims  
 42 administration for the paid family and medical leave benefits program.

- 1           2. It authorizes a tribal government to elect to participate in the program.
- 2           3. It clarifies the definition of "wages."
- 3           4. It clarifies the definition of "qualifying exigency" related to a request for leave  
4 necessitated by a family member's active military service.
- 5           5. It reduces the maximum amount of family leave and medical leave that an individual  
6 may take in a year from 16 weeks to 12 weeks.
- 7           6. It reduces the maximum weekly benefit amount from 120% of the state average  
8 weekly wage to 100% of the state average weekly wage and provides that the determination  
9 of the weekly benefit amount is calculated in a manner to ensure that an individual receives  
10 wage replacement at a rate of 90% for the portion of the covered individual's average  
11 weekly wage that is equal to or less than 50% of the state average weekly wage and at a  
12 rate of 66% for that portion of the covered individual's average weekly wage that is more  
13 than 50% of the state average weekly wage up to the maximum weekly benefit.
- 14          7. Except for an employee who has not been employed for at least 120 days, the  
15 amendment provides that an employee is entitled to the same position or an equivalent  
16 position upon return to work from family leave or medical leave.
- 17          8. Absent an emergency, illness or other sudden necessity for taking leave, the  
18 amendment requires an employee to give reasonable notice to the employee's supervisor of  
19 the employee's intent to use leave and specifies that use of leave must be scheduled to  
20 prevent undue hardship on the employer.
- 21          9. It makes changes to the membership of the Paid Family and Medical Leave Benefits  
22 Authority, provides that the authority owes a fiduciary duty to the program and requires the  
23 initial appointment of members no later than January 1, 2024.
- 24          10. It makes technical changes regarding the administration and oversight of the  
25 program.
- 26          11. It requires the State Controller to transfer \$12,000,000 on or before October 31,  
27 2023 and \$13,000,000 on or before July 31, 2024 from the unappropriated surplus of the  
28 General Fund to the department to provide funds for the initial start-up costs of the program.  
29 It also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**