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Testimony of Rep. Tiffany Roberts presenting

**LD 1712, An Act to Amend the Paid Family and Medical Leave Benefits Program to
Balance Support of Businesses and Employees
Before the Joint Standing Committee on Labor**

Good afternoon, Senator Tipping, Representative Roeder and esteemed members of the Joint Standing Committee on Labor. I am Representative Tiffany Roberts, and I represent House District 149, which includes parts of North and South Berwick. Thank you for the opportunity to present **LD 1712, An Act to Amend the Paid Family and Medical Leave Benefits Program to Balance Support of Businesses and Employees**.

When I came to Augusta, I didn't come with an agenda or, frankly, much of a clue. I came to listen, learned to lead with honesty, and build policies that stand up to the complexity of the real world. As a legislator who started their first term as a single mother of three, plus a foster kiddo, with a struggling small business, I believe deeply in strong social programs. I also know that supporting working families and small businesses in Maine are not mutually exclusive. They are interdependent. This bill reflects that truth.

Today, you have several proposals in front of you regarding Paid Family and Medical Leave. Some would carve out entire categories of employers. Others remove important balancing provisions altogether. LD 1712 is the only bill with both bipartisan and bicameral sponsorship, and it's the only proposal that seeks to preserve the core intent of the program while ensuring it's workable for everyone.

What does that mean? It means providing clear standards for "undue hardship." This bill spells out what "undue hardship" can look like – seasonal workforce shortages, concentrated revenue periods or when a substantial share of employees are already out on leave. It gives employers reasonable clarity, which is especially important for small and seasonal operations that are navigating legitimate staffing constraints.

Some may worry that this opens the door to denying leave too easily. It doesn't. Employers must still act reasonably. The right to take leave is not erased, but the process to coordinate that leave becomes more transparent, less arbitrary and more functional.

It means aligning the Collective Bargaining Provisions with legislative intent. Under current law, employers may deduct up to 50% of the premium. Subsequent rulemaking added an unexpected requirement to bargain that deduction – something the statute never contemplated. This bill

restores the original legislative intent and provides clarity to employers, especially those working under existing contracts.

This does not remove rights. It ensures that workers can participate in the program without creating confusion or delay in implementation. A benefit that can't be accessed because of legal gray areas isn't a benefit at all.

It means standardizing wage replacement at 65%. The current wage replacement formula, while generous, creates administrative complexity and long-term sustainability concerns. LD 1712 establishes a flat 65% rate, similar to other states. It simplifies administration, treats all workers consistently and helps ensure the program remains solvent for years to come.

Concerns have been raised that this could make leave less accessible to low-wage workers. That's a fair point to consider. However, access isn't just about percentages. It's about clarity, simplicity and stability. But we also have to recognize that a benefit that is financially unsustainable or riddled with complications becomes inaccessible to everyone. This change keeps the program strong and predictable.

It means creating clear timelines and fairer penalties. LD 1712 sets reasonable deadlines for applying for benefits: 15 days after family leave starts, 30 days for medical leave, with flexibility for good cause. This gives workers clarity while still allowing for exceptions when needed.

It also adjusts the penalty structure for employers. The current flat 1% of payroll penalty is steep and unforgiving. This bill caps it at \$50 per employee, gives the department discretion to waive it in appropriate cases, and ensures that compliance remains both enforceable and fair.

There's been concern that lowering penalties may encourage noncompliance. But what we're proposing is not leniency – it's enforceable accountability that recognizes the difference between willful neglect and honest error, especially during the program's early implementation.

It means adding optional state income tax withholding. This bill allows workers to choose to have 5% withheld from their PFML benefit for state income tax, just like unemployment. It's a simple, optional change that protects workers from unpleasant surprises at tax time and aligns PFML with other income streams.

Why does this bill matter? It matters because responsible sound policy is incremental and ideally bipartisan. Sometimes, though, we run before we can walk, and that's ok too. It just requires evaluating and adjusting accordingly.

This program is still new. And new programs often need adjustments. Not because the goals were misguided, but because we owe it to the people we serve to make sure those goals are met with policy that works.

LD 1712 doesn't roll back anything. It doesn't remove rights. It preserves the program by strengthening the structure underneath it. It ensures businesses can participate without unnecessary confusion or risk, and it ensures that workers can depend on benefits being available when they need them.

Public policy should be designed to endure. That means it has to be practical, responsive and honest. LD 1712 is built with all three in mind. I respectfully urge the committee to support this bill and its process, and I welcome your questions.