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AARP Testimony in Opposition to: LD 406, LD 539, LD 952, LD 1249, LD 1273, LD 1307, LD 1333, LD 1400, LD 1712

Testimony in support of LD 894

Greetings Senator Tipping, Representative Roeder, and Members of the Committee on Labor. My name is Bridget Quinn, and I am an Associate State Director of Advocacy and Outreach for AARP Maine.

AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering Americans 50 and older to choose how they live as they age. On behalf of our nearly 200,000 members statewide, thank you for the opportunity to share testimony today. Today I want to direct my limited time highlighting our concerns on legislation that we believe threatens family caregivers' access to Paid Family and Medical Leave.

AARP Maine is fighting for family caregivers who work because caring for a loved one shouldn't mean losing your pay—or even your job. Across Maine 166,000 unpaid family caregivers provide critical assistance to help their older parents, spouses and other loved ones remain in their homes—most while also juggling full- or part-time jobs. Some are still raising children.

Such as Bernice from Westbrook. Bernice shared with AARP she became a caregiver “six years ago when my mom couldn't drive anymore, and my dad lost his driving leg to a side effect reaction. I was raising a tween autistic girl, working part time and driving 1/2 hour each way to take my dad 45 min each way to chemo and radiation.”

There is also family caregiver Pamela from Lewiston who shared that she was a caregiver for her mother and that being a caregiver “negatively impacted my career, my mental and physical health, my relationship with my husband and children and grandchildren.”

Caregiving is a pressing issue for Mainers who are 45+. An AARP survey from 2024 found that seven in ten Maine adults age 45+ have caregiving experience.¹ Most Mainers 45+, 82% of them, report that they would prefer to age in place with caregiver support. This

¹ Bonner Cozad, Aisha, Kate Bridges, and Cassandra Cantave. AARP Vital Voices Research, 2022-2024. Washington, DC: AARP Research, September 2022. <https://doi.org/10.26419/res.00524.000>

desire comes at a time when our workforce is changing. Nationally, the fastest-growing segment of the labor force is workers ages 55 and older, and by 2029, one in four workers will be age 55 and older.² Again nationally, more than one in five workers aged 45 to 64 reports being a caregiver to a parent – and more than half of these workers report that caregiving negatively affects their work. Paid leave provides a critical lifeline to working family caregivers.

These are the caregivers who may need to rely on paid family medical leave which is why we are here to raise concerns about the suit of bills that threaten access for Maine's workers. Specifically, AARP Maine has great concerns about the policy outlined in LD 1712 we would like to bring your attention to a few items here.

- Sec. 1. 26 MRSA §850-B, sub-§7 the language changes outlined here are regarding hardship exemptions and providing definitions that will automatically qualify an employer for a hardship exemption. Employees who work for employers who fall under this definition of exemptions will still be participating in the Paid Family and Medical Leave Program. They will add their contributions but under this may never actually be able to take the leave if they needed it.
- Under Section One 26 MRSA §850-B, sub-§7, lines 22 through 25. We would like to raise concerns that change the current program and provides that the decision of an employer to deny the use of leave based on undue hardship is not reviewable by the Department of Labor. You have a right to appeal a traffic ticket, appeal a decision if your insurance denies a claim of coverage. To remove this protection from workers seeking paid leave that they are contributing to is unprecedented and puts working family caregivers at risk.
- In the same section lines 19-21 state “An employer may determine additional conditions that constitute undue hardship based on an individualized assessment of the effect of the leave request on that employer's operations.” This language is unclear to us and seems to potentially open unintended consequences where employees are at risk of wrongly being denied leave. This language is much to broad risks access to the program.
- Sec. 4. 26 MRSA §850-C, sub-§2 changes the wage replacement to be 65% of the employee's average wage. We are greatly concerned about this. This could mean that our lowest earning workers in Maine would struggle to participate in Paid Leave because their wage replacement would not cover their basic costs and expenses. Paid Leave has been celebrated to create equity in our society. The current program was designed after an actuarial study, a commission that studied paid leave's viability in Maine. Significant research was done to develop the existing

² U.S. Bureau of Labor Statistics. (2020) Employment Projections: Table 2.2. Civilian labor force participation rates by age, sex, race, and ethnicity, 1999, 2009, 2019, and projected 2029 (in percent). Retrieved 15 July 2021 from <https://www.bls.gov/emp/graphics/2019/labor-force-share-by-age-group.htm>

program, and we envision this change could have a significant impact including making the program insolvent and risking access for Maine's lowest earners.

Again, AARP supports Paid Family and Medical leave policies that support Maine's 166,000 unpaid family caregivers who are the backbone holding up our long-term care system. Many do this while working and diverting their loved ones from expensive facilities that would rely on MaineCare dollars. Paid Leave is a program that allows us to support these caregivers to continue their critical care work, especially at a time when we have a healthcare worker shortage. Changes to this well-designed program before we've really gotten underway could undermine the program and hurt Maine's working family caregivers. For this reason, we urge you to reject legislation that threatens this program. Thank you for the opportunity to testify today.

Bridget Quinn
AARP Maine.