Maine Legislative Update

APRIL 2019

Issues Update:
On April 17th, the Labor and Housing Committee adopted a new draft amendment to LD 369, sponsored by the Senate Chair Sen. Bellows on behalf of Governor Janet Mills. The amendment was a complete rewrite of the majority report on the bill, including changing the title to An Act Authorizing Earned Employee Leave, cutting the 13-page bill to a mere 1.5 pages, and addressing many of the concerns raised by employers. The new amendment gained bipartisan support with a 9-2 “ought to pass as amended” committee vote. The amendment is a “strike and replace” amendment—all the old language in the original bill was removed and replaced with new language. The new LD 369 does the following:

• Creates a paid leave law instead of a paid sick leave law.
• Applies to any employer that employs more than 10 employees for more than 120 days a year.
• Employees must earn at least one hour of paid leave for every 40 hours worked, up to 40 hours in a year of employment.
• Accrual of leave begins at start of employment but the employer doesn’t have to allow its use until the employee has worked for 120 days.
• Employees using leave will be paid the same base rate of pay received before leave was taken.
• When possible, employees shall give employers reasonable notice of intent to use leave.
• Employers may offer a superior leave policy and be considered covered.
• The Maine Department of Labor has the exclusive authority to enforce the law; there is no private right of action.
• A municipal preemption bars individual municipalities from enacting their own paid leave laws as the City of Portland has been considering.
• The provisions in LD 369 will apply to 85% of Maine’s workforce. As originally drafted, it would have applied to 91% of the workforce.

This proposal represents a compromise. Considering where this bill began and where it is now, it has come a long way. The business community will still see increased expenses and will likely have to deal with employee absenteeism. However, given the current political environment in Augusta, it was inevitable that a paid leave bill was going to pass this session.

The Maine Peoples Alliance (MPA) has been circulating petitions for a paid sick leave citizen-initiated referendum closer to the initial version of LD 369. If LD 369 is passed, the citizen-initiated referendum should be avoided.

Next, LD 369 will be reported out of committee and be considered by the entire legislature. We will continue to follow this bill closely in case of more changes or floor amendments.

Events:
RLDAM will hold its annual legislative breakfast on May 21st, where members were able to discuss their businesses and priority issues with 24 legislators. RLDAM members will have the opportunity to speak with their legislators about retainage, the impending carbon tax, referendum reform, paid sick leave, and workers compensation bills. For more information or to register please contact Jamie McCormick at jmccormick@nrla.org.

Questions?
Please contact Kirk Ives, Director of Government Affairs at 518-880-6376 or kives@nrla.org.