Maine Legislative Update
MARCH 2019

Issues Update:
LD 369, An Act To Support Healthy Workplaces and Healthy Families by Providing Earned Paid Sick Leave to Certain Employees had its public hearing on February 25th before the Labor and Housing Committee. The Retail Lumber Dealers Association of Maine testified in opposition. The first work session was held on March 6th. The committee vote was divided along partisan lines. Last week, the committee reconsidered the bill as the sponsor had proposed a number of amendments to the majority report.

The changes that the amendment makes are:
• Only employers who employ more than five employees, for more than 15 weeks of the year, must provide earned paid sick leave to their employees.
• The accrual rate is changed from 1 hour paid sick leave earned for every 30 hours worked to 1 hour paid sick leave earned for every 40 hours worked.
• The employer is not required to permit use of leave until an employee has been employed for 120 days, instead of 90 days.
• Requests to use accrued paid sick leave must be made in a means acceptable to the employer and employees shall provide advanced notice when earned paid sick leave is foreseeable.
• Employers may not retaliate against employees who use their earned paid sick leave. However, taking paid sick leave for a purpose not authorized by law may result in a personnel action.
• The change to the rebuttable presumption of a violation by an employer puts an additional burden on the employee making the complaint.
• Employers who fail to provide paid sick leave or retaliate against employees who use it are liable to provide payment of back wages only when that the employee attempted to mitigate damages.
• Instead of affecting all employers with fewer than 5 employees, only employers who have fewer than 5 employees for at least 15 weeks of the year shall have policies that allow employees to accrue and use at least forty hours of unpaid sick leave per year.

After the Democrats made the recommended changes, the committee voted again along party lines.
It is not clear whether Governor Mills will support the current draft but her staff has indicated that she remains concerned with the lack of statewide preemption and the private right of action that remains in the majority report.

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.

Did You Know?
The lumber and building materials industry has an annual taxable payroll of $319,307,796 in Maine.