

Date: (Filing No. S- )

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
SENATE  
128TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 380, L.D. 1159, Bill, “An Act To Support Healthy Workplaces and Healthy Families by Providing Paid Sick Leave to Certain Employees”

Amend the bill by inserting after the enacting clause and before section 1 the following:

**'Sec. 1. 26 MRSA §626, first ¶,** as amended by PL 1991, c. 162, is further amended to read:

An employee leaving employment must be paid in full within a reasonable time after demand at the office of the employer where payrolls are kept and wages are paid, ~~provided~~ except that any overcompensation may be withheld if authorized under section 635 and any loan or advance against future earnings or wages may be deducted if evidenced by a statement in writing signed by the employee. Whenever the terms of employment include provisions for paid vacations, vacation pay on cessation of employment has the same status as wages earned. Sick leave accrued pursuant to section 637 or section 637-A does not have the same status as wages earned.'

Amend the bill in section 2 in §637 by inserting after subsection 3 the following:

**'4. Combined paid leave.** An employer may meet the requirements of this section by providing paid leave that may be used by the employee interchangeably as either sick leave or vacation time, as long as this paid leave is in accordance with the accrual of paid sick leave in subsection 2.'

Amend the bill in section 2 in §637 in subsection 5 in the 4th line (page 1, line 36 in L.D.) by striking out the following: "routine technical" and inserting the following: 'major substantive'

Amend the bill in section 2 in §637 by renumbering the subsections to read consecutively.

Amend the bill in section 2 in §637-A by inserting at the end the following:

**COMMITTEE AMENDMENT**

1 'An employer may meet the requirements of this section by providing unpaid leave  
2 that may be used interchangeably as either sick leave or vacation time, as long as the  
3 accrual of this unpaid leave is otherwise in accordance with this section.'

4 Amend the bill by inserting after section 2 the following:

5 **'Sec. 3. Appropriations and allocations.** The following appropriations and  
6 allocations are made.

7 **LABOR, DEPARTMENT OF**

8 **Regulation and Enforcement 0159**

9 Initiative: Provides funds for one part-time Labor and Safety Inspector position and  
10 related All Other costs associated with implementing and enforcing the sick leave  
11 provisions.

12	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
13	POSITIONS - LEGISLATIVE COUNT	0.000	0.500
14	Personal Services	\$0	\$17,246
15	All Other	\$0	\$1,689
16			
17	GENERAL FUND TOTAL	\$0	\$18,935

18

19 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
20 section number to read consecutively.

21 **SUMMARY**

22 This amendment, which is the majority report of the Joint Standing Committee on  
23 Labor, Commerce, Research and Economic Development, amends the bill by allowing an  
24 employer to satisfy the requirement to offer paid sick leave or unpaid sick leave by  
25 offering leave that may be used by the employee for either sick leave or vacation time, as  
26 long as that leave accrues at the same rate. The amendment clarifies that accrued sick  
27 leave provided in accordance with this bill is not considered wages that would be due to  
28 an employee after leaving employment with the employer. It also changes the type of  
29 rules the Department of Labor is authorized to adopt in order to implement and enforce  
30 the bill from routine technical to major substantive. The amendment also adds an  
31 appropriations and allocations section.

32 **FISCAL NOTE REQUIRED**

33 **(See attached)**