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Date: (Filing No. H- )

**LABOR AND HOUSING**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 398, L.D. 553, “An Act To End At-will Employment”

Amend the bill by striking out the title and substituting the following:

**'Resolve, Directing the Department of Labor and the Department of Economic and Community Development To Convene a Stakeholder Group To Study the Effect of Ending At-will Employment in the State'**

Amend the bill by striking out everything after the title and inserting the following:

**'Preamble. Whereas,** the Legislature finds that Maine's employment discharge policy needs reform, especially in the wake of the COVID-19 pandemic; and

**Whereas,** while some states have created exceptions to the employment at-will doctrine, the doctrine still applies in many states; and

**Whereas,** Title VII of the federal Civil Rights Act of 1964, which bans discrimination in employment based on race, gender, color, religion and national origin, has proved ineffective in combating employment discrimination; and

**Whereas,** today's employees may have less job security than in the past, despite the statutory and common law exceptions to the employment at-will doctrine; and

**Whereas,** employment discharge policy reform is needed in order to create protections from arbitrary discharges for all workers, including those who currently are members of one or more protected classes under Title VII of the federal Civil Rights Act of 1964 and the Maine Human Rights Act; now, therefore, be it

**Sec. 1. Department of Labor and Department of Economic and Community Development to convene stakeholder group. Resolved:** That the Department of Labor and the Department of Economic and Community Development, referred to in this resolve as "the departments," shall convene a working group to examine the potential effects on businesses, employees and employers of ending at-will employment in the State. For the purposes of this section, "at-will employment" means employment

**COMMITTEE AMENDMENT**

1 that may be terminated without cause by an employer. The departments shall invite  
2 members of the business community and labor community and economists to participate  
3 in the stakeholder group. The membership of the group must reflect the diversity of  
4 economic industry and geography and include a representative of Indian tribes,  
5 communities of color and other underserved communities and populations. At a minimum,  
6 the departments shall examine employment laws in effect in Montana, the United States  
7 Virgin Islands and Puerto Rico that prohibit employers from terminating employees  
8 without cause.

9 **Sec. 2. Departments to submit report to Joint Standing Committee on**  
10 **Labor and Housing. Resolved:** That the Department of Labor and the Department of  
11 Economic and Community Development shall submit a report with recommendations,  
12 including any suggested legislation, to the Joint Standing Committee on Labor and Housing  
13 by February 15, 2022. The Joint Standing Committee on Labor and Housing may report  
14 out a bill based upon recommendations from the report to the Second Regular Session of  
15 the 130th Legislature.'

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

#### 18 SUMMARY

19 This amendment replaces the bill with a resolve. The resolve directs the Department of  
20 Labor and the Department of Economic and Community Development to convene a  
21 working group to examine the effects of ending at-will employment in the State. The  
22 departments are directed to submit a report to the Joint Standing Committee on Labor and  
23 Housing by February 15, 2022. The Joint Standing Committee on Labor and Housing is  
24 authorized to report out a bill to the Second Regular Session of the 130th Legislature.

#### 25 FISCAL NOTE REQUIRED

26 (See attached)