

Maine SHRM Government Affairs Update

May 22, 2011

This edition offers updates on all the bills we have tracked in the 125th Maine Legislature to date.

Executive

- Still no date for when Commissioner of Labor nominee Winglass will come before the LCRED committee. We will keep you posted.
- Superintendent of Insurance Mila Kofman resigned with the passage of LD 1333. Please see <http://www.maine.gov/tools/whatsnew/index.php?topic=INS-PressReleases&id=245860&v=Default> and <http://new.bangordailynews.com/2011/05/16/health/insurance-superintendent-mila-kofman-resigns/> . Superintendent Kofman had been known for her support of the Dirigo Health initiative and LD 1333 repeals it. Please read on for more on LD 1333.

Legislature

There have been about 1578 bills posted out of the Revisor's Office to date. Unless otherwise mentioned, we will continue to monitor and report on these bills and welcome your input to your Chapter Government Affairs representative or to Sarah using the contact information below.

- **LD1 – An Act To Ensure Regulatory Fairness and Reform** – Passed by House, not on Appropriations table before action in the Senate (5/18)

Workers Compensation

- **LD 1055 - An Act Regarding the Computation of Workers' Compensation Rates Based on Past Claims-** Under current law, an employer is placed in a high-risk pool if the employer has at least 2 lost-time claims, each greater than \$10,000 of incurred loss during the previous 3 year experience rating period. This bill increases the incurred loss amount from \$10,000 to \$40,000. This bill was requested by one of our members in NESHRM and was presented at Public Hearing earlier this month. There are a number of cosponsors, but significant opposition including MEMIC and The Chamber. We expect a look at the thresholds and whether they might be increased since they have not been reviewed in some time. The Chamber opposes because they believe this will increase premiums for all. **THIS BILL IS DEAD, but there remains hope that this issue can be addressed by the WC Board.**

These four bills were sponsored by the Chamber and we recommend support:

- **LD 1056 - An Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992**– Amendment replaced the bill. It specifies that health care providers who examine injured workers at the request of an employer in accordance with the Maine Revised Statutes, Title 39A, section 207 are limited to 12 such examinations per calendar year. It adds the requirement that independent medical examiners be certified in the field of practice of the injury by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association. It clarifies that an independent medical examiner may not be assigned to an injured worker if the independent medical examiner has previously examined the worker or has been closely affiliated with the insurance company at any time during the preceding 52 weeks unless there is no other physician reasonably available. The amendment requires that an independent medical examiner that examines an injured worker at the request of the employer in accordance with Title 39A, section 207 notify the Workers' Compensation Board of the name of the employee, the employer or the insurer that requested the examination and the date of the examination within 10 days of the date of the examination. The amendment also requires that the board submit a report that includes findings and recommendations by January 15, 2013 to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters regarding the board's review of the selection process of independent medical examiners and the number of independent medical examiners who have examined injured workers at the request of employers or insurers. The joint standing committee is authorized to introduce a bill related to the board's report to the First Regular Session of the 126th Legislature. The amendment adds an emergency preamble and emergency clause. **The amended bill near passage, having last been engrossed by Senate on May 12 and if passed would be effective immediately.**

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- LD 1065 – work session on April 27th. **An Act To Amend the Laws Governing the Determination of Permanent Impairment under the Maine Workers' Compensation Act of 1992 - This bill is dead.** It would have amended the law governing the determination of permanent impairment for workers' compensation purposes as follows:
 1. It specifies that the schedule adopted by the Workers' Compensation Board for determining the existence and degree of permanent impairment based upon medically or scientifically demonstrable findings must be based on the American Medical Association's "Guides to the Evaluation of Permanent Impairment," 4th edition;
 2. It requires that a determination of permanent impairment of the spine must be based on a medical opinion formulated using the "diagnosis related estimate" model and may not be based on a medical opinion formulated using the "range of motion" model;
 3. It specifies that a determination of permanent impairment may not include an assessment of permanent impairment based on behavioral, emotional or psychiatric conditions; and
 4. It requires that the medical findings of the independent medical examiner regarding the extent of permanent impairment must be adopted by the board.
- LD 1244 – work session on April 27th. **An Act To Clarify Usual and Customary Charges under the Workers' Compensation Laws VOTED OTPA by committee on May 20th.** Amendment not available as of this writing, but will be found at http://www.mainelegislature.org/legis/bills/display_ps.asp?Id=1244&PID=1456&num=125 This bill defines "usual and customary charge" regarding payment of a health care service under the workers' compensation laws as the average charge for that health care service for the 2 preceding calendar quarters. For purposes of calculating the average charge, the charge of each individual rendering of a specific health care service is calculated as the sum of all reimbursements from a private, 3rd party payor and all payments from the patient.
- LD 1078 – public hearing May 4th **An Act To Amend the Audit and Enforcement Functions of the Workers' Compensation Board - This bill is dead.** It would have amended the audit and enforcement functions of the Workers' Compensation Board.
 1. It eliminates the duty of the board to monitor the claims handling practices of insurers, self-insurers, the Maine Insurance Guaranty Association and 3rd-party administrators and eliminates the monitoring program.
 2. It requires that, in order for the board to audit an insurer, self-insurer, the Maine Insurance Guaranty Association or a 3rd-party administrator, the board have probable cause to believe that an insurer, self-insurer, the Maine Insurance Guaranty Association or a 3rd-party administrator has not met an obligation under the Maine Workers' Compensation Act of 1992.
 3. It eliminates the board's authority to assess penalties on employers, insurers or 3rd-party administrators that engage in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims.
- LD 1268 – **This bill is expected to be reported out OTPA (minority), but is officially unfinished business as of this writing. An Act to Allow the Repayment of Improperly Awarded Workers Compensation Benefits** - Current law authorizes an employer or insurer to recover from an employee overpayments made pending an appeal to the Law Court. This bill extends that authorization to allow an insurer or employer to recover overpayments made to an employee pending a motion for findings of fact and conclusions of law filed with the hearing officer. Another bill, LD 1285 addresses the WC assessment process. Chamber is neither for, nor against; WC Board Chair Sighinolfi is opposed.
- **LD 768 is now law** - An Act To Amend the Laws Relating to Group Trusts Established by Group Self-insurers of Workers' Compensation Benefits - http://www.mainelegislature.org/legis/bills/bills_125th/chapters/PUBLIC98.asp . The bill provides that if a member of a group self-insurer for workers' compensation benefits terminates membership in the group, that member is entitled to share in the release of surplus funds from the trust established by the group self-insurer if funding by that member to the 95% confidence level occurs within one year. The bill clarified that while a trust is responsible for payment of a departing member's liabilities, the trust is not required to set aside additional trust assets for that exposure.

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- **LD 783 – This bill is dead.** An Act To Amend the Laws Governing Captive Insurance Companies - The bill would have amended the chapter of the Maine Insurance Code governing captive insurance companies to make clear that in the event of any conflict between the provisions of other state insurance laws and the provisions of the laws governing captive insurance companies, the provisions of the captive insurance company laws control. This bill had placed a cap on the unimpaired paid-in capital and surplus of an association captive insurance company and provides that rules adopted by the Superintendent of Insurance to implement the laws governing captive insurance companies are major substantive rules.
- LD 1099 – this bill, as amended, is on the path to enactment. **An Act Concerning Independent Contractors in the Trucking and Messenger Courier Industries** - The amendment strikes the bill and allows a person engaged in freight transportation or courier and messenger services to be considered an independent contractor either by meeting all of the factors for determining independent contractor status described in the bill or by being able to provide proof of coverage under a workers' compensation policy. This amendment changes one of the factors to require that there be a statement signed by both the person providing the services and the hiring entity that the person meets all of the requirements for being an independent contractor and is considered an independent contractor. Finally, this amendment provides for the repeal of these provisions on October 1, 2013.

Unemployment Insurance

- LD 269 – **An Act To Implement a Maine Unemployment Insurance Work-sharing Program – The bill became law without the Governor's signature:** http://www.mainelegislature.org/legis/bills/bills_125th/chapters/PUBLIC91.asp This law creates a worksharing program as an alternative to layoffs during a temporary slowdown in business. This would allow an employer to avoid layoffs by reducing the number of regularly scheduled hours of work for all workers in a specific unit or department or the business as a whole. Unemployment insurance benefits for the reduced hours of work are then payable as a proportion of the benefit amount for a full week of unemployment. This requires an approved plan in place at the employer. The original bill was amended to clarify that a public employer is included in the definition of "eligible employer" within the work-sharing program. It also directs the Commissioner of Labor to adopt routine technical rules to implement the work-sharing program. The amendment requires 2 separate reports from the Commissioner of Labor to the joint standing committee of the Legislature having jurisdiction over labor matters and establishes an effective date of March 1, 2012 with a repeal date of February 28, 2014 for the worksharing program.
- LD 304 - **An Act to Promote the Hiring of Seasonal Workers** – This bill was brought forward by Reny's and changes from 5 weeks to 10 weeks the amount of time and employer may employ someone without being charged for UI. There were a few concerns with how this might have impacted the UI trust fund as it would impact all employees as written, not just seasonal employees. **The bill was voted ONTP on April 15th.**
- LD 1117 - **An Act to Promote the Hiring of Seasonal Workers** - This bill changes from 5 weeks to 8 weeks the amount of time an employer may employ an employee without being charged for unemployment benefits. This bill appears to be socializing the cost across all employers and/or shifting costs back to previous employers for those hiring for these short stints. The committee amendment, which is the majority report of the committee, strikes and replaces the bill, makes the bill a resolve and directs the Commissioner of Labor to establish a stakeholder group to determine the most appropriate amount of time an employer may employ an employee without the employer's being subject to unemployment compensation requirements. There is also an amendment to change it from 5 to 7 weeks. Currently categorized as unfinished business.
- LD 1057 - **An Act To Limit Increases in the Unemployment Contribution Rate** - This bill was replaced by its amendment and now directs the Commissioner of Labor to annually publish data on the content and usage of the Unemployment Compensation Fund. The commissioner must separately disclose, for not less than 5 years after enactment, legislative changes affecting the content or usage of the Unemployment Compensation Fund and the impact of those changes. This amendment also requires the Department of Labor, Bureau of Labor Standards to project the impact of proposed benefit changes on employer's experience classifications. **The amended bill is on its way to enactment.**

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- **LD 1238 - An Act To Establish the Maine Back to Work Program - This bill just came out of Committee as OTPA.** It creates the Maine Back to Work Program to provide workplace training to certain eligible unemployment insurance beneficiaries. The bill establishes the program within the Department of Labor, Bureau of Unemployment Compensation to allow an eligible participant who is receiving unemployment insurance benefits pursuant to the Employment Security Law to receive workplace training from an eligible employer.

Wages & Employment Practices

- **LD 698 – This bill is dead.** An Act To Bring Wage Equity to the Workplace - This bill would have prohibited the payment of wages to the highest paid employee that are 10 times higher than the wages paid to the lowest paid employee at the same workplace if the employer has 50 or more employees and the employer receives a state tax credit, state tax break or state funds or is a contractor for public works construction.
- **LD 207 - An Act To Amend the Laws Regarding Tips Used in Payment of Service Employees – This bill was voted OTP as Amended.** The amended bill defines "tip" and clarifies that a sum presented by a customer in recognition of service performed is considered a tip for the service employee even if it is automatically included in the customer's bill or charged to a credit card. It also states that a service charge included in a bill in a banquet or private club setting is not a tip and that the customer must be notified of this, that all employees in the banquet or private club setting must be compensated in accordance with the State's minimum wage and overtime laws and that the service charge can be used to meet these obligations. The amendment further clarifies that tip pooling is a valid practice as described by federal laws and regulations.
- LDs 447 and 457 have not yet been reported out of the LCRED Committee. These bills were to raise the minimum wage – the first to establish a new floor, the second to include an escalator. **LD 447 was ONTP majority (divided report) out of LCRED, LD 457 is dead.**
- **LD 994 – This bill is dead.** An Act To Promote Responsible Business Practices through a Livable Wage This bill would have required businesses, in order to receive tax credits, tax reimbursement or tax forgiveness from the State, to pay their employees a livable wage.
- **LD 516 - An Act To Amend Maine Law To Conform with Federal Law Regarding Employment Practices for Certain Minors –** This bill was amended in Committee and on the floor and is on its way to enactment. The most recent version of the bill extends the hours a student may work when school is in session from 20 to 24 and it extends the hours of work permitted per day from 4 to 6. The amendment removes language pertaining to authorized school closures and hours of employment. The most recent amendment also changes the hour to which a student may work on a day preceding a scheduled school day from 10 p.m. to 10:15 p.m.
- **LD 788 - An Act To Prohibit Forced Payment of Labor Union Dues or Fees by Workers -** This bill would have changed the landscape of Maine by prohibiting employers from deducting fees from nonunion employees, in essence, disallowing the union shop. This very important bill would bring RTW laws to Maine for the private sector. Maine, along with most of the northeast, allows union shops and this would be a major change for Maine. Perhaps a bit of a refresher on Taft Hartley and related laws will help: http://en.wikipedia.org/wiki/Union_shop . There is a related bill impacting Maine's public sector similar to the bill in Wisconsin we have all heard so much about, LD 309. While we are not following it, you may wish to have a peek at: <http://www.mainelegislature.org/LawMakerWeb/summary.asp?ID=280039408> . We were told on HRP Day that the legislature does not intend to pursue LD 788 this session. It is currently categorized as *unfinished business*.
- **LD 1207 – An Act To Amend the Labor Laws Relating to Certain Agricultural Employees -** This bill sought to repeal a 1975 law and a 1997 law introduced to address violations at DeCoster egg facility. The 1975 law subjected agricultural facilities of this size to OT standards (as you know agricultural workers are normally exempt from OT) and the 1997 law allowed unions. This amendment is the majority report of the committee. It eliminates those sections of the bill that remove the requirement that individuals employed at an egg processing facility with more than 300,000 laying birds be subject to state minimum wage and overtime laws. While this amendment preserves the OT, it repeals the 1997 law. It is currently listed as unfinished business as it has not made it to the floor yet.

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- **LD 893 – An Act To Require an Employer To Provide Notification Regarding the Employer's Personal Leave Policy to Employees** - *This bill is one we submitted testimony in opposition to while we were at HRP Day.* This bill requires that an employer provide notice to an employee regarding whether the terms of employment include provisions for paid personal leave and whether upon cessation of employment accrued personal leave has the same status as wages earned. The notification may be accomplished by including in an employee handbook the policy on personal leave or by posting the policy on personal leave in a conspicuous common area in the place of employment. **This bill is dead.**
- **LD 1241 – An Act To Remove the Requirement That Employers Offer Substance Abuse Services to Employees Who Fail Drug Tests** - This bill had sought to remove the requirement that an employer must provide an opportunity to participate in a substance abuse rehabilitation program to an employee after the employee has received a confirmed positive result on a substance abuse test. The original bill also required that an employer that requires, requests or suggests that employees submit to substance abuse testing on a random or arbitrary basis must also require, request or suggest that supervisory personnel submit to a substance abuse test on a random or arbitrary basis and similarly submit to substance abuse testing on a random or arbitrary basis. The bill also sought to allow an employer to require, request or suggest an employee submit to substance abuse testing if the employee causes a work related accident that results in property damage, personal injury or loss of life or a citation or summons being issued to the employee by a law enforcement officer. In addition, the bill sought to remove the provision stating that it is the intent of the Legislature to narrowly construe the requirement concerning random testing of an employee who works in a position where being under the influence of a substance of abuse would place the health and safety of the public or coworkers under unreasonable threat. In Committee, the bill was re-imagined and re-titled to **An Act To Exempt Employers Subject to Federally Mandated Drug and Alcohol Programs from Maine Substance Abuse Program Laws** - It allows an employer subject to a federally mandated substance abuse testing program to extend its United States Department of Transportation mandated program to its entire workforce and its independent contractors. It allows such employers to have the same substance abuse policy for all employees and independent contractors. The amendment directs the Department of Labor, Bureau of Labor Standards to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2012 with recommendations on simplifying and streamlining the labor laws dealing with substance abuse testing. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 125th Legislature. The bill is on the way to enactment. It will be interesting to see how this will bump up against medical marijuana use by employees not specifically covered by the DOT regs who work for employers who adopt the policy across the company.
- LD 1346 - This bill is dead - **An Act To Enhance Access to the Workplace for Minors** - This was the "training wage" bill.
- **LD 1383 – An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers** – The purpose of the bill was to simplify the process for employers in the logging industry who hire employees from another country who have been given permission to work in this country. **The labor committee voted on May 20th to carry LD 1383 over until next legislative session. The vote was down party lines with Republicans supporting the carry-over motion, and Democrat voting Ought Not To Pass.** Debate was contentious and an equal fight can be expected when it surfaces again in the second session.
- **LD 1426 – This bill is dead** - An Act Concerning Notification to an Employer of Misrepresented Medical Information under the Maine Human Rights Act. Under current law, information obtained through a so-called "post-offer, pre-employment physical" may be shared with supervisors and managers only for purposes of informing supervisors and managers about work restrictions or accommodations necessary for that employee. This bill sought to authorize such disclosure for the additional purpose of informing supervisors, managers and members of an employer's management team of any misrepresentation, untruthful statement or omission of information by the applicant or employee on any medical form, record or file. MEGAT had expressed concerns about HIPAA and ADA depending on the outcome of such notice.

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- **LD 1257 - An Act Regarding Labor Contracts for Public Works Projects** - This bill provides that the plans, specifications and contract documents for a public works project may not require bidders, contractors or subcontractors to enter into or comply with certain agreements with labor organizations. The bill also provides a cause of action to challenge the awarding of a contract that violates these provisions. This Republican backed measure is in the House now, having come out of Committee with a divided report.

Contractor Status

- LD 1314, LD 1420 and LD 1450 sought to clarify the definition of independent contractor.
 - **LD 1314- An Act To Standardize the Definition of "Independent Contractor"** - This bill standardizes the definition of "independent contractor" for employment security law and workers' compensation law. It considers who directs or controls the means and manner of providing the contracted services; who furnishes the tools and equipment necessary to provide the services; whether the business is considered inseparable from the individual for purposes of taxes, profits and liabilities; who exercises control over the management and operations of the business; and who exercises the right and opportunity to perform the services of the business for multiple entities. **Committee has requested the bill be carried over to the next session.**
 - **LD 1420 –An Act to Modify the Laws Regarding Status as an Independent Contractor. This bill was voted out of committee OPT as amended**, but the amendments aren't yet posted and it has not gone to the floor as yet. The bill defines services provided by an individual to be employment subject to the unemployment compensation laws unless the individual is free from control or direction in performing the services and either:
 1. The service is outside the usual course of business or is performed outside of the place of business; or
 2. The individual is engaged in an independently established trade or occupation.
 - **LD 1450 – This bill is dead.** An Act to Enforce Wage Laws - The bill had defined "employee," "employer" and "independent contractor" for the purposes of the wages and medium of payment provisions of the labor laws in order to prevent misclassification of employees and their exclusion from wage law protection. It strengthened notification and reporting requirements. The bill had also included shareholders' liability to protect employees hired by corporations that use bankruptcy law to evade payment. It made each violation of the wage and medium of payment provisions that occurs during a separate week, including discriminatory or retaliatory practices, a separate violation. The bill also prohibited employer retaliation against employees or others who bring complaints under the law.

Health Care

As you have no doubt learned, the Governor signed LD 1333 into law this week, here is the new law:

http://www.mainelegislature.org/legis/bills/bills_125th/chapters/PUBLIC90.asp . There continue to be many unknowns and we will follow up with more information as it becomes available. For now, the Maine Hospital Association has a nice summary here: <http://www.themha.org/advocacy/Insurancereformssummary.pdf> as does this week's Chamber Impact at: <http://www.mainechamber.org/mx/hm.asp?id=currentnews>

LD 1116 – Restoring Competition in the PBM Marketplace in Maine is also getting a lot of attention right now. This bill repeals the changes that were made a few years ago to make the Pharmacy Benefit Manager model more uniform. Analysis is ongoing among our members who are in this market. As stated previously, we understand your need as HR professionals to work with your business to decide what stand, if any, you might take. This bill was voted out of committee on May 11 with a divided report. The Chamber supported the bill and we were silent on it. It has not made it to the floor.

Since we had been tracking LD 60 - **An Act To Extend Coverage under the State's Mini-COBRA Law** – the outcome was that the bill was voted ONTP and is dead. This new bill appeared to be trying to give more generous COBRA rights than under fed law to those eligible for mini and "regular" COBRA.

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Weapons in the Workplace

MESHHRM submitted a position statement with supporting documentation courtesy of SHRM in opposition to the following weapons bill. In essence, we oppose the bills because we want employer control of the workplace, especially to carry out our responsibilities under the OSHA general duty clause and ensure worker safety. We are also cosigners on the floor handout the Maine State Chamber put together in opposition to LD 35. Again, contact Sarah if you need a copy of either piece and PLEASE contact your legislator and ask them to vote no on LDs 35 and 1347. With yesterday's incident of a sitting Maine legislator allegedly criminally threatening a fellow patron of a Dunkin Donuts in Waterville with a handgun, these concerns have become very real. Under LD 932, Legislators would be allowed to bring concealed weapons into the Capitol. As noted below, LD 932 passed Committee and we are awaiting a floor vote. Yellow highlighting indicates bill still in play.

- **LD 35 - An Act Relating to Concealed Firearms Locked in Vehicles** –This bill provides that an employer may not prohibit an employee with a valid concealed firearms permit from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. MESHHRM is opposed, SHRM is opposed, the Maine Chamber is opposed.
- **LD 658 - An Act To Modify the Requirement of a Permit To Carry a Concealed Weapon** - alters the concealed weapons laws in the state of Maine so that permits are not needed at all in most cases except a few mentioned in the bill. The bill was voted on in committee on April 15th and a divided report is expected. **This bill is not expected to become law.**
- **LD 932 – An Act To Allow Concealed Weapons in the State House – anticipate divided report** – voted April 15th. This bill provides that a person to whom a valid permit to carry a concealed firearm has been issued may carry a concealed firearm in the State House. (This one was not a part of our position statement, but was also voted on on April 15th with a divided report anticipated.)
- **LD 1232 - An Act to Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons** - The bill was voted on in committee on April 15th and a divided report is expected with majority ONTP. **This bill is not expected to become law.** LD 578, a related bill we did not follow, was also ONTP/divided report. **This bill is also not expected to become law.**
- **LD 1347 - An Act Relating to Locations Where Concealed Weapons May Be Carried** - The bill was voted on in committee on April 15th and a divided report is expected.

Miscellaneous

- **LD 636 - An Act To Ensure Proper Health Information Management** - This bill requires a hospital, beginning January 1, 2012, to employ a certified director of health information management. There are concerns about the lack of specificity of the bill as well as the necessity of such a bill. In its current form, this bill could have Maine legislating to force sponsorship of one professional certifying organization over another, of course this is usually reserved for industry standards and employer choice/market driven considerations. The bill is also vague on at which certifications “count”. Our colleagues at MHA believe that such a bill should not advance. The committee yielded a divided report.
- **LD 152 - An Act To Prohibit Employment Discrimination Based on a Prior Criminal Conviction** – This law would forbid employers to hold criminal convictions against applicants if it's not directly related to the job. **This bill was voted ONTP by the committee.**
- **LD 169 - An Act To Allow Veterans Who Work for Employers with More than 50 Employees To Take Veterans Day Off with Full Pay** – This would require employers to give all veterans Veterans' Day off with full pay. MEGAT and the MS Chamber opposed. **This bill was voted ONTP by the committee.**
- **LD 1378 – This bill is dead.** An Act To Create a State-sponsored 401(k) Retirement Plan for Participation by Private Employers - The bill directed the Finance Authority of Maine to establish a qualified defined contribution retirement investment plan eligible for favorable tax treatment under Section 401(k) of the United States Internal Revenue

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Code to be made available to employers who wish to offer the plan as a retirement investment option to their employees.

- **LD 1235 – This bill is dead.** An Act To Allow a Tax-free Employee Illness Account - This bill would have allowed an employer to establish an illness account for employees who do not receive compensated sick leave. Both the employer and employee could contribute to the illness account up to an amount equal to one week of the employee's wages, and the employee may withdraw funds from the account equal to one hour of the employee's wages for every hour the employee is unable to perform the employee's duties due to illness. The employee may also withdraw an amount up to the entire amount in the illness account once every year. The funds contributed to the account are not subject to state unemployment tax or income tax. MEGAT was generally opposed to the idea for several reasons including the complexity of administration and poor program design. There was some concern that this might create "backdoor" sick time when the mandate to create a sick time entitlement was defeated last session. The reconciliation of this benefit with other benefits across the tax and employee benefit spectrum would be intense and there are many unanswered questions on how this might work as a practical matter.
- **LD 1046 – this bill was voted ONTP out of Committee** - An Act To Amend the Application of the Maine Human Rights Act Regarding Public Accommodations - This bill provides that it is not unlawful public accommodations discrimination, in violation of the Maine Human Rights Act, for a public or private entity to restrict rest room or shower facilities that are part of public accommodations to restrict the use of single-sex facilities to members of a biological sex regardless of sexual orientation. Unless otherwise indicated, a rest room or shower facility designated for one biological sex is presumed to be restricted to that biological sex. This preserves the MHRC rulings ensuring transgender use.

We will do our best to continue to update you and support you in having your say.

So it's handy, here is all relevant contact information:

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