

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
H.P. 653 - L.D. 929

An Act To Amend the Requirements for the Reporting of New Hires

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, federal law mandates the Department of Health and Human Services to operate a state directory of new hires to which employers doing business in this State must report the hiring of a new employee; and

Whereas, federal law has recently been amended to require employers to also report the date a new employee begins work; and

Whereas, federal law has recently been amended to change the definition of a newly hired employee to include a person who had been previously employed by the same employer but separated from employment for 60 consecutive days; and

Whereas, it is necessary for state law to be amended as soon as possible to comply with the change to federal law; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 19-A MRSA §2154, sub-§1, as amended by PL 1997, c. 669, §2, is further amended to read:

1. Employment information; definition. ~~Upon notice by the department, an~~ An employer doing business in this State shall report to the department the hiring of a newly hired employee. For the purposes of this section, "newly hired employee" means a person who resides or works in this State to whom the employer anticipates paying earnings and who:

~~A. Hiring of a person who resides or works in this State to whom the employer anticipates paying earnings; and~~

~~B. Rehiring or return to work of an employee who was laid off, furloughed, separated, granted a leave without pay or terminated from employment.~~

C. Was previously employed by the employer but who has been separated from that prior employment for at least 60 consecutive days; or

D. Has not previously been employed by the employer.

Sec. 2. 19-A MRSA §2154, sub-§4, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

4. Report. An employer shall submit a report within 7 days of the ~~hiring, rehiring or return to work of the~~ date that services for remuneration are first performed by a newly hired employee. The report must contain:

A. The employee's name, address, social security number ~~and~~, date of birth and the most recent date that services for remuneration were first performed by the employee; and

B. The employer's name, address and employment security reference number or unified business identifier number.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.