

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1419

H.P. 983

House of Representatives, March 22, 2005

An Act To Amend the Laws Regarding Certain Employment-related Matters

Submitted by the Department of Labor pursuant to Joint Rule 204.
Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SMITH of Van Buren.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: FISHER of Brewer, GERZOFKY of Brunswick, PINEAU of Jay,
THOMPSON of China.

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

2
4 **Sec. 1. 26 MRSA §824, sub-§1**, as enacted by PL 1983, c. 128, §1, is amended to read:

6 **1. Request.** An employer who feels that granting the leave
8 of absence required by this subchapter will cause unreasonable
10 hardship for his the employer's business may appeal for relief by
12 filing a written notice of appeal to with the chairman chair of
14 the State Board of Arbitration and Conciliation. If the notice
16 of appeal is not filed within 14 days of receipt of the
18 employee's notice requesting a leave of absence, the employer
20 waives his the right to appeal. The notice of appeal shall must
state the name of the employee and the reasons for the alleged
unreasonable hardship. Payment for the services of a member of
the State Board of Arbitration and Conciliation must be shared by
the parties in accordance with section 931. This section
provides the exclusive remedy for an employer claiming
unreasonable hardship as a result of a request for leave of
absence.

22 **Sec. 2. 26 MRSA §1043, sub-§11, ¶F**, as amended by PL 2003, c.
24 414, Pt. B, §38 and affected by c. 614, §9, is further amended by
amending subparagraph (21), division (i) to read:

26 (i) Prior to January 1, 1978, service performed
28 in the employ of a school that is not an
30 institution of higher education; after December
32 31, 1977, service performed in the employ of a
governmental entity referred to in paragraph A-1,
subparagraph (1) if that service is performed by
an individual in the exercise of duties:

34 (i) As an elected official;

36 (ii) As a member of a legislative body, or a
38 member of the judiciary, of a state or
political subdivision of a state;

40 (iii) As a member of the State National
Guard or Air National Guard;

42 (iv) As an employee serving on a temporary
44 basis in case of fire, storm, snow,
earthquake, flood or similar emergency; ~~or~~

46 (v) In a position that, under or pursuant to
48 the laws of this State, is designated as a
major nontenured policymaking or advisory
50 position, or a policymaking or advisory

2 position the performance of the duties of
which ordinarily does not require more than 8
4 hours per week; or

6 (vi) As an election official or election
8 worker if the amount of remuneration received
10 by the individual during the calendar year
12 for services as an election official or
14 election worker is less than \$1,000;

16 **Sec. 3. 26 MRSA §1043, sub-§17, ¶A,** as amended by PL 1991, c.
18 193, §2, is further amended to read:

20 A. An individual, including corporate officers, is
22 considered "totally unemployed" in any week with respect to
24 which wages are not payable to the individual and during
26 which the individual does not perform services, except that
remuneration payable or received as holiday pay is not
considered wages for the purpose of this subsection and
except that any amounts received from the Federal Government
by members of the National Guard and organized reserve,
including base pay and allowances, or any amounts received
as a volunteer firefighter ~~or a volunteer emergency medical~~
~~services person,~~ are not considered wages for the purpose of
this subsection.

28 SUMMARY

30 This bill inserts a reference to the existing statutory
32 provision that governs payment for services of a member of the
State Board of Arbitration and Conciliation in the laws governing
leaves of absence. That provision requires the costs to be
34 shared by the parties.

36 This bill provides that wages paid to election officials and
election workers do not have to be reported for purposes of the
38 laws governing unemployment compensation until they exceed \$1,000.

40 This bill also removes the exemption for wages earned as a
volunteer emergency medical services worker in the definition of
42 total and partial unemployment in the laws governing unemployment
compensation.