

# MAINE STATE LEGISLATURE

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L.D. 1898

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DATE: 3/10/16

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**LABOR**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1339, L.D. 1898, Bill, "An Act To Protect the Employment Rights of Military Reserve and National Guard Personnel"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 26 MRSA §811, sub-§3, as amended by PL 2001, c. 662, §11, is further amended to read:

**3. Reinstatement.** Any person who is in compliance with subsection 2 and is still qualified to perform the duties of such position must be reinstated at the same pay, seniority, benefits and status and receive any other incidences of advantages of employment as if the person had remained continuously employed. The period of absence must be construed as an absence with leave, and, within the discretion of the employer, the leave may be with pay. The employer may not require any person returning from a period of military service to report back to work:

A. For periods of military service of 3 days or less, until the completion of the period of service and the expiration of 24 hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence;

B. For periods of military service of more than 3 days but not more than 15 days, until the completion of the period of

**COMMITTEE AMENDMENT**

2 service and the expiration of 48 hours after a period  
3 allowing for the safe transportation of the person from the  
4 place of that service to the person's residence;

6 C. For periods of military service of more than 15 days but  
7 not more than 30 days, until the completion of the period of  
8 service and the expiration of 72 hours after a period  
9 allowing for the safe transportation of the person from the  
10 place of that service to the person's residence;

12 D. For periods of military service of more than 30 days but  
13 not more than 180 days, until the completion of the period  
14 of service and the expiration of 14 days after a period  
15 allowing for the safe transportation of the person from the  
16 place of that service to the person's residence; or

18 E. For periods of military service of more than 180 days,  
19 until the completion of the period of service and the  
20 expiration of 90 days after a period allowing for the safe  
21 transportation of the person from the place of that service  
22 to the person's residence.'

#### 24 SUMMARY

26 This amendment strikes the bill and prohibits an employer  
27 from requiring that a military member report back to work before  
28 the expiration of a certain period of time, based on the length  
29 of the military member's service, following the completion of  
30 service and time for safe transportation home.