

MAINE STATE LEGISLATURE

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November 28, 1978

John L. Tuttle
Representative-Elect
12 Pine Street
Sanford, Maine 04073

Dear Representative-Elect Tuttle:

This responds to your request for advice on the status of the law regarding leaves of absence for public employees who become members of the Legislature.

The Legislature has directly addressed only the issue of leaves of absence for public employees in connection with teachers. Thus, 20 M.R.S.A. § 2001 requires that teachers who are elected members of the Legislature be given leave without pay by their administrative units subject to certain conditions. Section 2001 reads as follows:

"§ 2001. Leave of absence as Legislators

"Each administrative unit operating public schools within the State shall grant all certified teachers, except substitute teachers as defined by the commissioner, leave of absence without pay and without forfeiture of continuing contract status and other accumulated benefits to fulfill the duties of a State Legislator, providing that written notice of intent to become a candidate for Legislature is given at the time teacher contracts are issued."

There is no similar provision of law requiring local governments to grant leaves of absence for non-school employees. However, it is our understanding that it has been the practice of both municipalities and private industry to grant leaves of absence, subject to certain conditions, for employees to take time to work in the Legislature. Often these leaves of absence or alternative work arrangements allow the employee to continue in his job at hours or times of the year when the Legislature is not in session.

I hope this information is helpful.

Sincerely,

DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec