

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1546

H.P. 1136 House of Representatives, May 13, 1987  
Submitted by the Department of Defense and Veterans'  
Services pursuant to Joint Rule 24.

Reference to the Committee on Aging, Retirement and  
Veterans suggested and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative HEPBURN of Skowhegan.

Cosponsored by Representatives McPHERSON of Eliot, HALE  
of Sanford, and Senator USHER of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Make Consistent the Federal  
Veterans' Reemployment Law.

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

26 MRSA §811 is repealed and the following en-  
acted in its place:

§811. Preservation of status

1. Intent. The intent of this Act is insure  
that members of the state military forces, including  
the Maine Army and Air National Guards, and the Re-  
serves of the United States Armed Forces will not  
suffer harm as the result of their military obliga-  
tions and that an employee returning from military  
leave from his civilian job shall be treated no dif-

1 ferently than any other employee with an approved  
2 leave of absence.

3 2. Military leave of absence. Any member of the  
4 military forces, including the Maine Army and Maine  
5 Air National Guard and the Reserves of the United  
6 States Armed Forces, who, in response to federal or  
7 state orders, takes a military leave of absence from  
8 a position other than a temporary position in the em-  
9 ploy of any civilian employer, shall:

10 A. Give notice to his civilian employer of his  
11 absence for military duty; and

12 B. If the employer so requests, obtain a confir-  
13 mation from the Adjutant General, Camp Keyes, Au-  
14 gusta, or applicable reserve component headquar-  
15 ters, of satisfactory completion of his military  
16 duties upon return to civilian employment or im-  
17 mediately thereafter.

18 3. Reinstatement. Any employee who is in com-  
19 pliance with subsection 2 and is still qualified to  
20 perform the duties of such position, must be rein-  
21 stated without loss of pay, seniority, benefits, sta-  
22 tus, and any other incidences of advantages of em-  
23 ployment as if he had remained continuously employed.  
24 The period of absence shall be construed as an ab-  
25 sence with leave, and within the discretion of the  
26 employer, the leave may be with or without pay.

27 STATEMENT OF FACT

28 Currently, Maine Revised Statutes, Title 26, sec-  
29 tion 811, is misleading to civilian employers in that  
30 it contains a maximum of 17 days training in one cal-  
31 endar year for any Maine Army or Air National Guard  
32 member or reservist to preserve entitlement to reem-  
33 ployment rights. Additionally, the current law does  
34 not give the civilian employer a creditable source of  
35 information concerning the actual start and comple-  
36 tion of duties following return to civilian employ-  
37 ment.

1           This version of Title 26, section 811, has an  
2 open-ended military leave of absence, paid or unpaid,  
3 from civilian employment in response to a Maine Army  
4 or Air National Guard member's or reservist's orders.  
5 Open-ended military leave determined by military or-  
6 ders is consistent with the Federal Veterans' Reem-  
7 ployment Law. The bill also establishes the State  
8 Adjutant General or reserve component headquarters as  
9 the source of accurate information concerning actual  
10 time spent on military duties. Title 26, section  
11 811, has further language updated to the Federal Vet-  
12 erans' Reemployment Law to ensure that members of the  
13 state military forces and reserves are treated no  
14 worse than any other civilian employee with an ap-  
15 proved leave of absence.

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