

MAINE STATE LEGISLATURE

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L.D. 2534

(Filing No. H- 497)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1851, L.D. 2534,
Bill, "AN ACT to Ensure Family Medical Leave in the
State."

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

'Sec. 1. 26 MRSA c. 7, sub-c. VI-A is enacted
to read:

SUBCHAPTER VI-A

FAMILY MEDICAL LEAVE REQUIREMENTS

§842. Short title

This subchapter shall be known and cited as the
"Family Medical Leave Act of 1988."

§843. Definitions

As used in this subchapter, unless the context
otherwise indicates, the following terms have the
following meanings.

1. Employee. "Employee" means any person who may
be permitted, required or directed by an employer in
consideration of direct or indirect gain or profit to

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1 engage in any employment, but does not include
2 independent contractors.

3 2. Employer. "Employer" means:

4 A. Any person, sole proprietorship, partnership,
5 corporation or other business entity that employs
6 25 or more employees in this State;

7 B. The State, including the executive,
8 legislative and judicial branches, and any state
9 department or agency that employs any employees;
10 and

11 C. Any political subdivision of the State that
12 employs 25 or more employees.

13 3. Family medical leave. "Family medical leave"
14 means leave requested by an employee for:

15 A. Serious illness of the employee;

16 B. Birth of the employee's child;

17 C. The placement of a child 16 years of age or
18 less with the employee in connection with the
19 adoption of the child by the employee; or

20 D. A child, parent or spouse with a serious
21 illness.

22 4. Serious illness. "Serious illness" means:

23 A. An accident, disease or condition that poses
24 imminent danger of death;

25 B. An accident, disease or condition that
26 requires hospitalization involving an organ
27 transplant, limb amputation or such other
28 procedure of similar severity; or

29 C. Any mental or physical condition that requires
30 constant in-home care.

31 The employer may require certification from a
32 physician to verify the amount of leave requested by

1 the employee.

2 §844. Family medical leave policy requirement

3 Every employer shall establish, or may negotiate
4 through the collective bargaining process, a written
5 policy concerning family medical leave. That policy
6 shall apply to every employee who has been employed by
7 the same employer for 12 consecutive months. The
8 policy may require at least 30 days' notice of the
9 intended date upon which family medical leave shall
10 commence and terminate, unless prevented by medical
11 emergency from giving such notice. The employer shall
12 post the policy and provide a copy to any employee
13 upon request.

14 The Bureau of Labor Standards shall accept
15 inquiries from employers and employees and shall, when
16 requested, assist employers in developing a policy.

17 §845. Prohibited acts

18 It is unlawful for any employer to discharge,
19 discipline or otherwise discriminate against any of
20 its employees who have assisted in the enforcement of
21 this subchapter.

22 §846. Civil penalty for violations

23 Failure to establish or post a policy is a civil
24 violation for which a forfeiture of not more than \$100
25 may be adjudged. The Bureau of Labor Standards shall
26 have authority to enforce provisions of this
27 subchapter.

28 Sec. 2. Effective date. This Act shall take
29 effect January 1, 1989.'

30 STATEMENT OF FACT

31 This amendment is modeled on the Workplace Smoking
32 Act of 1985. The amendment requires all employers, as
33 defined, to establish and post a family medical leave
34 policy. The amendment directs the Bureau of Labor

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1 Standards to assist in the implementation of the
2 Family Medical Leave Act of 1988.

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Filed by Rep. Hepburn of Skowhegan
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