## MAINE STATE LEGISLATURE

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(Filing No. H- 254)

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## STATE OF MAINE HOUSE OF REPRESENTATIVES 115TH LEGISLATURE FIRST REGULAR SESSION

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COMMITTEE AMENDMENT " $\hat{A}$ " to H.P. 75, L.D. 103, Bill, "An Act to Amend the Law Concerning Family Medical Leave"

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

and 20, is further amended to read:

Sec. 1. 26 MRSA \$844, as manended by PL 1987, c. 861, \$\\$19

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## §844. Family medical leave requirement

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1. Family medical leave entitlement. Every employee who has been employed by the same employer for 12 consecutive months is entitled to up to 8 10 consecutive work weeks of family medical leave in any 2 years unless employed at a permanent work site with fewer than 25 employees. The following conditions apply to family medical leave granted under this subchapter:

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A. The employee must give at least 30 days' notice of the intended date upon which family medical leave will commence and terminate, unless prevented by medical emergency from giving that notice;

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B. The employer may require certification from a physician to verify the amount of leave requested by the employee, except that an employee who in good faith relies on treatment by prayer or spiritual means, in accordance with the tenets and practice of a recognized church or religious denomination, may submit certification from an accredited practitioner of those healing methods; and

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C. The employer and employee may negotiate for more or less leave, but both parties must agree.

## COMMITTEE AMENDMENT "A" to H.P. 75, L.D. 103

	2. Unpaid leave. Family medical leave granted under this
2	subchapter may consist of unpaid leave. If an employer provides
	paid family medical leave for fewer than 8 10 weeks, the
4	additional weeks of leave added to attain the total of 8 10 weeks
	required may be unpaid.
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_	Sec. 2. 26 MRSA §845, sub-§2, as enacted by PL 1987, c. 661,
· 8	is amended to read:
3.0	2 Maintenance of comlemes horofits. During our family
10	2. Maintenance of caployee benefits. During any family medical leave taken under this subchapter, the employer shall
12	make it possible for employees to continue their employee
12	benefits at the employee's expense. The employer and employee
14	may negotiate for the employer to maintain benefits at the
	employer's expense for the duration of the leave.
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	Sec. 3. Appropriation. The following funds are appropriated
18	from the General Fund to carry out the purposes of this Act.
20	1991-92
22	LABOR, DEPARTMENT OF
24	Bureau of Labor Standards
<b>4</b> 7	Durcau VI Dabvi Staliuarus
26	All Other \$15,738
28	Provides funds for the costs associated with
	the modification and distribution of the
30	"Regulation of Employment" poster.
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	FISCAL NOTE
34	1001.00
26	1991-92
36	APPROPRIATIONS/ALLOCATIONS
2.0	APPROPRIATIONS/ALLOCATIONS
38	General Fund \$15,738
40	General Fund \$15,738
40	The Department of Labor, Bureau of Labor Standards requires
42	a one-time appropriation of \$15,738 in fiscal year 1991-92 to
	cover the costs of modifying and redistributing their "Regulation
44	of Employment" poster. The costs properly allocated to this bill
	could be reduced if other legislation is enacted that also
46	requires changes to that poster.

2 STATEMENT OF FACT

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This amendment replaces the original bill and increases the 8 weeks of family medical leave allowed in each 2-year period to 10 weeks. The amendment clarifies that an employer and an employee may negotiate for the maintenance of benefits for the employee at the employer's expense during the leave. The 10 amendment allows employees who rely on treatment by prayer or spiritual means to submit a certificate from an accredited 12 practitioner to verify the amount of leave requested. The amendment also adds a fiscal note to the bill.

Reported by the Committee on Labor
Reproduced and distributed under the direction of the Clerk of the
House
(5/7/91) (Filing No. H-254)