

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 103

H.P. 75

House of Representatives, December 31, 1990

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Brunswick.

Cosponsored by Speaker MARTIN of Eagle Lake, Senator CLARK of Cumberland and Senator ESTES of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend the Law Concerning Family Medical Leave.



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

4 Sec. 1. 26 MRSA §844, as amended by PL 1987, c. 861, §§19 and
20, is further amended to read:

6 **§844. Family medical leave requirement**

8 1. **Family medical leave entitlement.** Every employee who
10 has been employed by the same employer for 12 consecutive months
12 is entitled to up to 8 18 consecutive work weeks of family
14 medical leave in any 2 years unless employed at a permanent work
16 site with fewer than 25 employees. The following conditions
18 apply to family medical leave granted under this subchapter:

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

26 B. The employer may require certification from a physician
28 to verify the amount of leave requested by the employee; and

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

34 2. **Unpaid leave.** Family medical leave granted under this
36 subchapter may consist of unpaid leave. If an employer provides
38 paid family medical leave for fewer than 8 18 weeks, the
40 additional weeks of leave added to attain the total of 8 18 weeks
42 required may be unpaid.

44 Sec. 2. 26 MRSA §845, sub-§2, as enacted by PL 1987, c. 661,
is amended to read:

46 2. **Maintenance of employee benefits.** During any family
48 medical leave taken under this subchapter, the employer shall
~~make it possible for employees to continue their~~ maintain any
existing employee benefits at ~~the employee's expense~~ for the
duration of the leave as if the employee had continued in
employment continuously from the date the leave commenced until
the date the employee returns to employment.

44 **STATEMENT OF FACT**

46 This bill amends the law concerning family medical leave to
48 increase the amount of leave from 8 weeks to 18 weeks and
requires that employers maintain employee benefits while an
employee is on leave.