

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 402

S.P. 123

In Senate, January 23, 1997

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**An Act to Amend the Family Medical Leave Laws.**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator LaFOUNTAIN of York.  
Cosponsored by Senator PENDLETON of Cumberland.

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

2           **Sec. 1. 26 MRSA §843, sub-§4, ¶¶A and D**, as enacted by PL 1987,  
4 c. 661, are amended to read:

6           A. Serious illness health condition of the employee;

8           D. A child, parent or spouse with a serious illness health  
10 condition.

12           **Sec. 2. 26 MRSA §843, sub-§§4-A and 6** are enacted to read:

14           **4-A. Health care provider.** "Health care provider" means:

16           A. A doctor of medicine or osteopathy who is licensed to  
18 practice medicine or surgery in this State; or

20           B. Any other person determined by the Secretary of Labor to  
22 be capable of providing health care services.

24           **6. Serious health condition.** "Serious health condition"  
26 means an illness, injury, impairment or physical or mental  
28 condition that involves:

30           A. Inpatient care in a hospital, hospice or residential  
32 medical care facility; or

34           B. Continuing treatment by a health care provider.

36           **Sec. 3. 26 MRSA §843, sub-§5**, as enacted by PL 1987, c. 661,  
38 is repealed.

40           **Sec. 4. 26 MRSA §848**, as enacted by PL 1987, c. 661, is  
42 amended to read:

44           A civil action may be brought in the appropriate court by an  
46 employee against any employer to enforce this subchapter. The  
48 court may enjoin any act or practice that violates or may violate  
this subchapter and may order any other equitable relief that is  
necessary and appropriate to redress the violation or to enforce  
this subchapter. The court may also order the employer to pay as  
liquidated damages \$100 to the employee for each day the  
violation continues and a reasonable attorney's fee, reasonable  
expert witness fees and other costs of the action.

## SUMMARY

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This bill conforms certain definitions in the State's family  
4 medical leave laws to the definitions in the federal Family and  
Medical Leave Act of 1993.

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This bill also increases the penalties for an employer who  
fails to observe the provisions of Maine's family medical leave  
laws.