

# MAINE STATE LEGISLATURE

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77 B

L.D. 339

DATE: 4-29-99

(Filing No. H-355)

REPORT B  
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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 235, L.D. 339, Bill, "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"

Amend the bill by striking out the title and substituting the following:

**'An Act to Amend the Law Regarding Leaves of Absence for Legislative Service'**

Further amend the bill in section 1 in that part designated "~~§821.~~" by striking out all of the first paragraph and inserting in its place the following:

'Any person, except a person covered under Title 20-A, section 13602, employed in a position other than a temporary position must be granted a leave of absence to fulfill the duties of a Legislator, as long as the person gives written notice to the employer of the person's intent to become a candidate for the Legislature within 10 days after taking action under Title 21-A to place the person's name on a primary or general election ballot. Following the term of service as a Legislator, the person, if still qualified to perform the duties of the position from which the person was granted leave, is entitled to be restored to the person's previous or a similar position with the same status, pay and seniority. The leave of absence may, within the discretion of the employer, be with or without pay and is limited to 2 consecutive legislative terms of 2 years.'

Further amend the bill by inserting after section 1 the following:

**COMMITTEE AMENDMENT**

R d S.

COMMITTEE AMENDMENT "B" to H.P. 235, L.D. 339

2 'Sec. 2. 26 MRSA §822, as enacted by PL 1983, c. 128, §1, is amended to read:

4 **§822. Exception for employer with 15 or fewer employees**

6 This subchapter is not applicable if the employer employs 5  
8 15 or fewer persons immediately prior to the first day of the leave of absence.

10 **Sec. 3. 26 MRSA §824, sub-§1,** enacted by PL 1983, c. 128, §1, is amended to read:

12  
14 **1. Request.** An employer who feels that granting the leave of absence required by this subchapter will cause unreasonable hardship for his the employer's business may appeal for relief by filing a written notice of appeal to with the chairman chair of the State Board of Arbitration and Conciliation. If the notice of appeal is not filed within 14 days of receipt of the employee's notice requesting a leave of absence, the employer waives his the right to appeal. The notice of appeal shall must state the name of the employee and the reasons for the alleged unreasonable hardship. Payment for the services of a member of the board must be shared by the parties in accordance with section 931. This section provides the exclusive remedy for an employer claiming unreasonable hardship as a result of a request for leave of absence.'

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**SUMMARY**

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32 This amendment provides that a person is entitled to 2 consecutive legislative terms of 2 years to serve as a Legislator. It also raises the threshold for size of employer subject to the law from 5 employees to 15 employees. The amendment clarifies how payment is provided for the services of the State Board of Arbitration and Conciliation, which hears appeals to the leave of absence requirement from employers who believe the leave would constitute an unreasonable hardship.

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