

# MAINE STATE LEGISLATURE

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Ms.  
R.D.S.  
"C"

L.D. 339

DATE: 4-29-99

(Filing No. H-356)

REPORT  
LABOR

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

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

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

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

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Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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

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§822. Exception for employer with 15 or fewer employees

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

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Sec. 2. 26 MRSA §824, sub-§1, enacted by PL 1983, c. 128, §1, is amended to read:

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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

COMMITTEE AMENDMENT

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.'

### SUMMARY

This amendment replaces the bill. It does not change the  
current law regarding the length of leave an employer must grant  
an employee to serve as a Legislator. It raises the threshold  
for size of employer subject to the law from 5 employees to 15  
employees. The amendment also 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.