

MAINE STATE LEGISLATURE

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DATE: 6/3/99

(Filing No. H-748)

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

COMMITTEE OF CONFERENCE AMENDMENT "A" 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 by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 26 MRSA §821, as amended by PL 1987, c. 402, Pt. A, §154, is repealed and the following enacted in its place:

§821. Person employed in position other than temporary

1. Leave of absence; notice required. Unless covered under Title 20-A, section 13602, a person employed in a position other than a temporary position must be granted a leave of absence by that person's employer to fulfill the duties of a Legislator if the person gives written notice to the employer of the 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. Notice must be filed for each election for which the employee requests leave under this section.

2. Leave with or without pay; length of leave. A leave of absence pursuant to subsection 1 may be with or without pay, within the discretion of the employer. For employers with more than 5 but fewer than 15 employees, the required leave is limited to one legislative term. For employers with 15 or more employees, the required leave is limited to 2 legislative terms.

CONFERENCE AMENDMENT

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3. Restoration to previous position. Following the term or terms of service as a Legislator, the person, if still qualified to perform the duties of the position from which leave was granted, is entitled to be restored to the previous or similar position with the same status, pay and seniority.

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

1. Request. An employer who feels that granting the leave of absence required by this subchapter will cause unreasonable hardship for his that employer's business may appeal for relief by a written notice of appeal to the ~~chairman~~ chair of the State Board of Arbitration and Conciliation. A leave of absence may be appealed for each election in which the employee is a candidate. 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. 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 is the report of the conference committee. It replaces the bill and requires an employer with more than 5 but fewer than 15 employees to allow leave for one legislative term and requires an employer with 15 or more employees to allow leave for 2 legislative terms. It also provides that notice must be provided for each election and that a requested leave of absence may be appealed for each election in which the employee is a candidate.