

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 62

H.P. 53

House of Representatives, January 9, 2001

**An Act to Create a Uniform Standard Governing Legislative Leaves of
Absence.**

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PERKINS of Penobscot.
Cosponsored by Representatives: BROOKS of Winterport, DUGAY of Cherryfield,
PINKHAM of Lamoine.

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

4 **Sec. 1. 20-A MRSA §13602**, as enacted by PL 1981, c. 693, §§5
and 8, is amended to read:

6 **§13602. Leave of absence as Legislators**

8 A Subject to the term-of-service limitations of Title 26,
10 section 821, a school administrative unit shall grant a certified
12 teacher, except a substitute teacher as defined by the
14 commissioner, leave of absence without pay and without forfeiture
of continuing contract status and other accumulated benefits to
fulfill the duties of a Legislator, ~~provided that~~ as long as the
teacher provides a written notice of intent to become a candidate
for the Legislature at the time teacher contracts are issued.

16 **Sec. 2. 26 MRSA §821**, as amended by PL 1987, c. 402, Pt. A,
18 §154, is repealed and the following enacted in its place:

20 **§821. Person employed in position other than temporary**

22 Any person employed in a position other than a temporary
24 position must be granted a leave of absence by that person's
26 employer to fulfill the duties of a Legislator. The person shall
28 give written notice to the employer of the person's intent to
30 become a candidate for the Legislature within 10 days after
32 taking action under Title 21-A to place the person's name on a
34 primary or general election ballot unless that person is subject
36 to Title 20-A, section 13602. Following the person's 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, must be restored to the person's previous, or a
similar, position with the same status, pay and seniority. This
leave of absence may, within the discretion of the employer, be
with or without pay and is limited to one legislative term of 2
years.

38 **SUMMARY**

40 Under current law, all employers with more than 5 employees
42 are required to grant any employee a leave of absence so that
44 employee can serve as a Legislator for a single 2-year
46 legislative term. After that first term of service, the employer
is not obligated to provide that leave of absence for successive
48 terms. The only exception to that rule is with regard to school
teachers and the school units who employ them. The school units
and the municipalities who are the teachers' employers are
obligated to provide unlimited leaves of absence for a school

2 teacher who is a Legislator. This bill establishes a uniform
rule that applies to all employees in the State by removing the
4 right to unlimited leaves of absence that apply to school
teachers.