

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1946

H.P. 1449

House of Representatives, December 20, 2001

An Act to Safeguard Volunteer Firefighters' Regular Employment.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2001. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative HUTTON of Bowdoinham.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: BRYANT of Dixfield, HALL of Bristol, SMITH of Van Buren,
TARAZEWICH of Waterboro, TRAHAN of Waldoboro, Senators: BROMLEY of
Cumberland, EDMONDS of Cumberland, TREAT of Kennebec.

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

4 **Sec. 1. 26 MRSA c. 7, sub-c. IV-C is enacted to read:**

6 **SUBCHAPTER IV-C**

8 **LEAVE FOR VOLUNTEER FIRE FIGHTING**

10 **§809. Absence for volunteer fire fighting**

12 **1. Absence with leave.** Any active member of a volunteer
14 fire association as defined in Title 30-A, section 3151,
16 subsection 3 who, in response to fire or other emergency, is
18 absent from a position other than a temporary position in the
employ of any employer may not be fired or laid off by the
employer due to that absence from work. The period of absence
must be construed as an absence with leave and, within the
discretion of the employer, the leave may be with or without pay.

20 **2. Confirmation.** If the employer so requests, the employee
22 shall obtain a confirmation from the fire chief or other
24 responsible individual of the time and duration of the call to
fire-fighting duty.

26 **3. Remedies.** If the employer fails to comply with this
28 section, the employee may bring a civil action for damages for
the noncompliance or apply to the courts for such equitable
relief as may be proper under the circumstances.

30 **SUMMARY**

32 This bill prohibits an employer from firing or laying off an
34 employee who is absent from work to perform volunteer
36 fire-fighting duties. Under the bill, the employer may require
confirmation from the fire chief of the time and duration of the
call to fire-fighting duty.