

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Mr  
R. 018

L.D. 1960

DATE: 2/22/02

(Filing No. H-841 )

LABOR

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1463, L.D. 1960, Bill, "An Act to Promote Safety of Families through the Workplace"

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 §850, sub-§1, as enacted by PL 1999, c. 435, §1, is amended to read:

1. Required leave. An employer must grant reasonable and necessary leave from work, with or without pay, for an employee to:

A. Prepare for and attend court proceedings;

B. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or

C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter 101. An employer may not sanction an employee or deprive an employee of pay or benefits for exercising a right granted by this section.

Sec. 2. 26 MRSA §850, sub-§1-A is enacted to read:

1-A. Definitions. For purposes of this subchapter, the terms "daughter," "son," "parent" and "spouse" have the same meanings as those terms have under federal regulations adopted pursuant to 29 United States Code, Section 2654, as in effect on January 1, 2002. An employer may require an employee to provide reasonable documentation of the family relationship, which may include a statement from the employee, a birth certificate, a court document or similar documents.

Sec. 3. 26 MRSA §850, sub-§2, ¶A, as enacted by PL 1999, c. 435, §1, is amended to read:

A. The employer would sustain undue hardship from the vietim's employee's absence;

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Regulation and Enforcement

Initiative: Appropriates funds for the printing and distribution of the Regulation of Employment poster.

<b>General Fund</b>	<b>2001-02</b>	<b>2002-03</b>
All Other	\$0	\$16,762'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

2002-03

APPROPRIATIONS/ALLOCATIONS

General Fund \$16,762

This bill will require the revision of the Regulation of Employment poster by the Department of Labor, Bureau of Labor Standards. A General Fund appropriation of \$16,762 in fiscal year 2002-03 is required for printing and mailing costs. If other bills are enacted that also require changes to the poster, the cost properly allocated to this bill can be reduced.'

**SUMMARY**

2025

2  
4  
6  
8  
10  
12  
14  
16  
18

This amendment replaces the bill. It allows an employee to take leave if the employee's spouse, child or parent is the victim of violence. It also references federal regulations that define the family relationships required. For example, a son or daughter is covered by the law if the child is a biological child, adopted child, step-child or foster child, or a child of a person standing in the place of a parent as defined in the regulation. A child would be covered up to the age of 18 or longer if the child is unable to care for himself or herself because of a mental or physical disability. The amendment also adds language allowing the employer to require confirmation of the family relationship. Finally, the amendment makes changes in language necessary to reflect the fact that the employee may not be the victim in all cases. The amendment also adds a fiscal note to the bill.