

# 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)



# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

---

Legislative Document

No. 752

H.P. 567

House of Representatives, February 18, 2003

**Resolve, Directing the Department of Labor To Develop the Family Security Fund To Implement the Recommendations of the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families**

---

Reported by Speaker COLWELL of Gardiner for the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families pursuant to Resolve 2001, chapter 115.

Reference to the Committee on Labor suggested and ordered printed under Joint Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

2           **Sec. 1. Development of Family Security Fund. Resolved:** That the  
3 Department of Labor shall develop the Family Security Fund, an  
4 insurance program covering temporary disabilities for employees  
5 in the State, to provide a source of income to employees while  
6 they are unable to work due to illness or pregnancy. The program  
7 must include the following elements.

8           1. The program must include a maximum duration of leave of  
9 26 weeks.

10           2. An employer must have the option of selecting a  
11 state-operated program, or an equivalent or superior private  
12 plan, with no additional cost to employees.

13           3. The employer must pay at least 1/2 of the premium and  
14 may pay the entire premium.

15           4. All private employers with one or more employees must  
16 participate. The program is optional for government entities.

17           5. Persons in family employment are excluded.

18           6. For an employee to be eligible for benefits, the  
19 employee must have had earnings in 12 of the previous 52 weeks.

20           7. The weekly benefit rate is 66 2/3% of the employee's  
21 average weekly wage in the highest 2 quarters in the last 52  
22 weeks. The weekly benefit cap is 100% of the state average  
23 weekly wage.

24           8. The maximum limit on employee payroll deductions is 90¢  
25 per week. The actual amount of an individual employee's  
26 contribution up to this cap must be determined by a sliding scale  
27 based on wages.

28           9. Benefits must be reduced by unemployment insurance,  
29 workers' compensation and sick pay. Benefits may not be reduced  
30 by other disability benefits, pension payments or other earnings.

31           10. The waiting period before benefits begin is 7 days;  
32 however, a benefit payment for the first 7 days must be made  
33 retroactively if the disability lasts 3 weeks or more.

34           11. Coverage for childbirth begins 2 weeks before the due  
35 date and continues for 12 weeks after delivery.

36           12. Complications of childbirth must be evaluated as a  
37 disability and must be covered for up to 26 weeks.

2 13. While an employee is receiving disability benefits,  
that employee's job is protected; and be it further

4 **Sec. 2. Legislation. Resolved:** That the Department of Labor  
shall report back to the Joint Standing Committee on Labor with  
6 proposed legislation to implement the Family Security Fund no  
later than November 1, 2003; and be it further

8  
10 **Sec. 3. Report. Resolved:** That the Department of Labor shall  
report back on November 1, 2006 to the joint standing committee  
of the Legislature having jurisdiction over labor matters to  
12 evaluate program effectiveness and consider including in the  
program leave for the illness of a parent, child or spouse or  
14 maternity and paternity leave for the birth or adoption of a  
child.

16  
18 **SUMMARY**

20 This resolve requires the Department of Labor to develop the  
Family Security Fund, an insurance program for temporary  
22 disabilities, based on the recommendations of the Committee to  
Continue to Study the Benefits and Costs for Increasing Access to  
24 Family and Medical Leave for Maine Families. It further requires  
that the Department of Labor propose legislation to implement the  
26 Family Security Fund to the Joint Standing Committee on Labor by  
November 1, 2003. It also requires the Department of Labor to  
28 report back to the joint standing committee of the Legislature  
having jurisdiction over labor matters by November 1, 2006 on  
30 program effectiveness.