

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1185

S.P. 389

In Senate, March 6, 2003

### An Act To Provide Paid Family and Medical Leave

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator STRIMLING of Cumberland.

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

4 **Sec. 1. 26 MRSA c. 7, sub-c. 6-C is enacted to read:**

6 **SUBCHAPTER 6-C**

8 **TEMPORARY DISABILITY AND FAMILY LEAVE BENEFITS**

10 **§850-A. Maine Temporary Disability and Family Leave Benefits Program**

12 **1. Definitions.** As used in this section, unless the  
14 context otherwise indicates, the following terms have the  
following meanings:

16 A. "Employer" means any public or private employer in the  
18 State.

20 B. "Program" means the Maine Temporary Disability and  
Family Leave Benefits Program created in this subchapter.

22 C. "Serious health condition" has the same meaning as in  
24 section 843.

26 **2. Program created.** The Maine Temporary Disability and  
Family Leave Benefits Program is created within the Department of  
28 Labor. The program provides wage-replacement benefits to  
eligible persons who are on leave from employment for any of the  
reasons set forth in subsection 3.

30 **3. Eligibility.** To be eligible for benefits, a person must  
32 have had earnings from employment in 12 of the prior 52 weeks,  
and must be on leave due to:

34 A. A serious health condition of the employee;

36 B. The birth of the employee's child;

38 C. The placement of a child 16 years of age or less with  
40 the employee in connection with the adoption of the child by  
the employee;

42 D. A serious health condition of a child, parent or spouse;  
44 or

46 E. The donation of an organ of that employee for a human  
organ transplant.

48 **4. Benefits provided.** An eligible person under this  
50 chapter receives a weekly benefit of 2/3 of that person's average

2 weekly wage in the highest 2 quarters in the preceding 52 weeks.  
3 The maximum amount of the benefit is the annual average weekly  
4 wage, as defined in section 1043. Benefits are provided for up  
5 to 26 weeks for the serious health condition of the employee and  
6 up to 12 weeks for other leave purposes.

7 5. Fund created. The Temporary Disability and Family Leave  
8 Benefits Fund is created to collect contributions and fund  
9 benefits under this section. The fund may be used to pay  
10 administrative costs of the program and to pay benefits. The  
11 fund does not lapse but must be carried forward to implement this  
12 subchapter.

13 6. Contributions. The department shall determine the  
14 actuarially appropriate total contribution needed each year. The  
15 department shall collect 1/2 of the required amount from  
16 employers and 1/2 from employees. The aggregate employee  
17 contribution must be collected from individual employees on a  
18 sliding scale based on wages, as determined by the department.  
19 The department shall adopt rules to determine the method of  
20 collecting and depositing contributions in the fund created in  
21 subsection 5. Rules adopted under this section are routine  
22 technical rules as defined in Title 5, chapter 375, subchapter  
23 2-A.

## 26 SUMMARY

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29 This bill creates the Maine Temporary Disability and Family  
30 Leave Benefits Program, to provide wage replacement benefits to  
31 persons who are on leave from work because of their own illness,  
32 the illness of a family member or the birth or adoption of a  
33 child. The program is funded by employer and employee  
34 contributions and provides 2/3 of the employee's average weekly  
35 wage for up to 26 weeks for the employee's own illness and up to  
36 12 weeks for other leave purposes. Employee contributions are  
collected on a sliding scale based on wages.