

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1044

S.P. 361

In Senate, March 1, 2005

An Act To Care for Families

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 President EDMONDS of Cumberland.
Cosponsored by Speaker RICHARDSON of Brunswick and
Senators: BARTLETT of Cumberland, MITCHELL of Kennebec, STRIMLING of
Cumberland, Representatives: CLARK of Millinocket, CUMMINGS of Portland, HUTTON of
Bowdoinham, TUTTLE of Sanford.

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

4 **Sec. 1. 26 MRSA §636** is enacted to read:

6 **§636. Family sick leave**

8 **1. Definitions.** As used in this section, unless the
9 context otherwise indicates, the following terms have the
10 following meanings.

12 **A. "Immediate family member"** includes, but is not limited
13 to, an employee's child, spouse, parent and parent of the
14 spouse.

16 **B. "Paid leave"** means time away from work by an employee
17 for which the employee receives compensation, including, but
18 not limited to, sick time, vacation time and compensatory
19 time.

20 **2. Use of paid leave.** If an employer, under the terms of a
21 collective bargaining agreement or employment policy, provides
22 paid leave, then the employer shall allow an employee to use the
23 paid leave for the care of an immediate family member who is ill.

24 **3. Election of time; amount.** An employee may use any
25 amount of paid leave up to but not more than the amount of paid
26 leave that employee has earned. An employee who receives more
27 than one type of paid leave may elect which type and the amount
28 of each of those types of paid leave to use.

30 **4. Compliance with contract or policy.** An employee who
31 takes paid leave pursuant to this section shall comply with the
32 terms of a collective bargaining agreement or employment policy,
33 if applicable, except that this section prevails over any
34 contrary provision in a collective bargaining agreement or
35 employment policy.

38 **5. Prohibited actions by employer.** An employer may not
39 eliminate or threaten to eliminate an existing paid leave
40 benefit. An employer may not discharge, demote, suspend,
41 discipline or otherwise discriminate against an employee or
42 threaten to do any of these actions against an employee who
43 exercises rights granted under this section or who files a
44 complaint or testifies or assists in an action brought against
45 the employer for a violation of this section.

46 **6. Application of family medical leave requirements.** This
47 section does not affect in any way leave granted pursuant to the
48 family medical leave requirements of subchapter 6-A.

50

2 7. Enforcement; rules. The Department of Labor shall adopt
3 rules to implement and enforce the provisions of this section,
4 including rules regarding the receipt, investigation and
5 prosecution of complaints brought under this section. Rules
6 adopted pursuant to this subsection are routine technical rules
7 as defined in Title 5, chapter 375, subchapter 2-A.

8

SUMMARY

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12 This bill requires an employer to allow an employee who
13 receives paid leave, such as sick or vacation time, to use that
14 time to care for an ill immediate family member.