

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1898

H.P. 1339

House of Representatives, January 4, 2006

An Act To Protect the Employment Rights of Military Reserve and National Guard Personnel

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

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BRYANT of Windham.
Cosponsored by Senator BRYANT of Oxford and
Representatives: AUSTIN of Gray, BRAUTIGAM of Falmouth, CARR of Lincoln,
CUMMINGS of Portland, DUPLESSIE of Westbrook, GROSE of Woolwich, PATRICK of
Rumford, PILON of Saco, WATSON of Bath, Senators: DAMON of Hancock, DIAMOND of
Cumberland, MAYO of Sagadahoc, WOODCOCK of Franklin.

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

4 **Sec. 1. 26 MRSA §813**, as repealed and replaced by PL 2001, c.
662, §12, is amended to read:

6 **§813. Remedies**

8 **1. Action authorized.** If any employer fails to comply with
10 any of the provisions of sections 811 and, 812 and 814, the
12 Attorney General, Judge Advocates of the Maine National Guard or
14 employee may bring a civil action for damages for such
noncompliance or apply to the courts for such equitable relief as
may be just and proper under the circumstances.

16 **2. Award of fees; costs.** In any civil action under section
18 811 or, 812 or 814, the court in its discretion may award
reasonable attorney's fees and costs.

20 **Sec. 2. 26 MRSA §814** is enacted to read:

22 **§814. Report back to work**

24 When a member of the National Guard or the Reserves of the
United States Armed Forces returns from a period of military
training or service that is less than 31 days, the member is
required to report for work no later than the beginning of the
first regularly scheduled work period on the first full calendar
day following the completion of the period of service and the
expiration of 72 hours after a period allowing for the safe
transportation of the person from the place of that service to
the person's residence.

32 **SUMMARY**

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36 Currently, federal law requires that a member of the
National Guard or the Reserves of the United States Armed Forces
38 be allowed an 8-hour period between returning home and reporting
back to work. This bill expands to 72 hours the period between
returning home and reporting back to work.