

# MAINE STATE LEGISLATURE

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1  
2 Date: 6/8/07

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3 LABOR

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5 STATE OF MAINE  
6 HOUSE OF REPRESENTATIVES  
7 123RD LEGISLATURE  
8 FIRST REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 212, L.D. 256, Bill, "An Act To  
10 Provide Leave to a Spouse in the Case of Death of or Injury to a Member of the Armed  
11 Forces"

12 Amend the bill by striking out the title and substituting the following:

13 'An Act To Assist Maine Military Families'

14 Amend the bill by striking out everything after the enacting clause and before the  
15 summary and inserting the following:

16 'Sec. 1. 26 MRSA §814, sub-§1, ¶B, as enacted by PL 2005, c. 523, §2, is  
17 amended to read:

18 B. "Employee" means any person who may be permitted, required or directed by an  
19 employer in consideration of direct or indirect gain or profit to engage in any  
20 employment and who has been employed by the same employer for at least 12  
21 months and has been employed for at least 1,250 hours of service during the 12-  
22 month period immediately preceding the commencement of the employee's family  
23 military leave. ~~"Employee" includes an independent contractor.~~

24 Sec. 2. 26 MRSA §814, sub-§2, as enacted by PL 2005, c. 523, §2, is repealed  
25 and the following enacted in its place:

26 2. Family military leave requirement. Subject to the requirements of subsection 3,  
27 an employer that employs 15 or more employees shall provide each eligible employee up  
28 to 15 days of family military leave per deployment, if requested by the employee. Family  
29 military leave under this subsection may be taken only during one or more of the  
30 following time frames:

- 31 A. The 15 days immediately prior to deployment;
- 32 B. Deployment, if the military member is granted leave; or
- 33 C. The 15 days immediately following the period of deployment.

**COMMITTEE AMENDMENT**



COMMITTEE AMENDMENT "A" to H.P. 212, L.D. 256

1 Family military leave granted under this section may consist of unpaid leave.

2 **Sec. 3. 26 MRSA §843, sub-§4, ¶D**, as amended by PL 2001, c. 684, §2, is  
3 further amended to read:

4 D. A child, parent or spouse with a serious health condition; or

5 **Sec. 4. 26 MRSA §843, sub-§4, ¶E**, as enacted by PL 2001, c. 684, §3, is  
6 amended to read:

7 E. The donation of an organ of that employee for a human organ transplant; or

8 **Sec. 5. 26 MRSA §843, sub-§4, ¶F** is enacted to read:

9 F. The death or serious health condition of the employee's spouse, domestic partner,  
10 parent or child if the spouse, domestic partner, parent or child as a member of the  
11 state military forces, as defined in Title 37-B, section 102, or the United States  
12 Armed Forces, including the National Guard and Reserves, dies or incurs a serious  
13 health condition while on active duty.'

14 **SUMMARY**

15 This amendment expands the applicability of family military leave by reducing from  
16 50 to 15 the number of employees that an employer must have to trigger the requirement  
17 that such leave be provided. The amendment also allows family members the option of  
18 using unpaid leave while the service member has returned on leave granted during  
19 deployment. Finally, the amendment expands the coverage of the bill's provision adding  
20 a new family medical leave authorization by providing leave if the employee is a  
21 domestic partner, parent or child of the member of the armed forces and when the  
22 member dies or incurs a serious health condition while on active duty.

23 **FISCAL NOTE REQUIRED**  
24 **(See attached)**



# 123rd MAINE LEGISLATURE

LD 256

LR 117(02)

**An Act To Provide Leave to a Spouse in the Case of Death of or Injury to a Member of the Armed Forces**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Labor**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Labor can be absorbed within existing budgeted resources.