

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1454

H.P. 1024

House of Representatives, March 16, 2007

### An Act To Care for Working Families

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Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative NORTON of Bangor.  
Cosponsored by Senator STRIMLING of Cumberland and  
Representatives: BURNS of Berwick, CLARK of Millinocket, DRISCOLL of Westbrook,  
HASKELL of Portland, JACKSON of Allagash, SIMPSON of Auburn, TUTTLE of Sanford,  
WATSON of Bath.

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

2       **Sec. 1. 26 MRSA §637** is enacted to read:

3    **§637. Paid sick days**

4       **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6       A. "Employer" means a public or private employer with 25 or more employees.

7       B. "Immediate family member" means an employee's child, spouse or parent.

8       C. "Paid sick leave" means compensated leave provided by an employer to an  
9 employee as a benefit of the employment for use by the employee during an absence  
10 from the employment due to the illness of the employee or the illness of an  
11 immediate family member. "Paid sick leave" does not include paid short-term or  
12 long-term or other types of disability benefits.

13       **2. Election of time; amount; process.** An employer shall provide each employee a  
14 minimum of one hour of paid sick leave for every 30 hours worked by the employee. An  
15 employer is not required to provide to an employee paid sick leave in excess of 72 hours  
16 or 9 days annually under this subsection. Paid sick leave must carry over to the following  
17 year, but may not exceed 9 days unless the employer provides otherwise. An employer  
18 may require notice or verification of the qualifying illness, injury or health condition  
19 when 5 consecutive paid sick days are used pursuant to this section.

20       **3. Effect on current paid sick leave policies.** Nothing in this section may diminish,  
21 eliminate or reduce paid sick leave in existence on the effective date of this section,  
22 regardless of the type of such paid sick leave, in order to comply with this section. An  
23 employer with a leave policy providing paid leave options is not required to modify such  
24 a policy, if such a policy offers an employee the option, at the employee's discretion, to  
25 take paid sick leave that is at least equivalent to the sick leave described in this section.

26       **4. Relationship to collective bargaining.** This section applies to employees  
27 covered by a collective bargaining agreement unless the agreement provides paid sick  
28 leave benefits that are equal to or greater than those provided in this section.

29       **5. Prohibited actions by employer.** An employer may not discharge, demote,  
30 suspend, discipline or otherwise discriminate against an employee or threaten to take any  
31 of these actions against an employee who exercises rights granted under this section or  
32 who files a complaint or testifies or assists in an action brought against the employer for a  
33 violation of this section. Nothing in this section prohibits an employer from taking  
34 employment action against an employee for taking paid sick leave that is not protected by  
35 this section or other applicable law.

36       **6. Enforcement; rules.** The Department of Labor shall adopt rules to implement  
37 and enforce the provisions of this section, including rules regarding the receipt,  
38 investigation and prosecution of complaints brought under this section. Rules adopted

1 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
2 subchapter 2-A.

3 **SUMMARY**

4 This bill requires an employer to pay each employee a minimum of one hour of paid  
5 sick leave for every 30 hours worked by the employee. An employer is not required to  
6 provide to an employee paid sick leave in excess of 72 hours or 9 days annually. Paid  
7 sick leave may be used by an employee during an absence from employment due to the  
8 illness of the employee or the illness of an immediate family member.