

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1159

S.P. 380

In Senate, March 23, 2017

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**An Act To Support Healthy Workplaces and Healthy Families by  
Providing Paid Sick Leave to Certain Employees**

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator MILLETT of Cumberland.  
Cosponsored by Representative FECTION of Biddeford and  
Senators: BELLOWS of Kennebec, CHENETTE of York, JACKSON of Aroostook, LIBBY of  
Androscoggin, Representatives: BERRY of Bowdoinham, HUBBELL of Bar Harbor,  
MASTRACCIO of Sanford.

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

2 **Sec. 1. 26 MRSA §636, sub-§2**, as enacted by PL 2005, c. 455, §1, is amended to  
3 read:

4 **2. Use of paid leave.** If an employer, under the terms of a collective bargaining  
5 agreement or employment policy, provides paid leave, then the employer shall allow an  
6 employee to use the paid leave for the care of an immediate family member who is ill as  
7 provided in this section, except that an employee entitled to use paid sick leave pursuant  
8 to section 637 may also use that paid leave to care for a family member who is not an  
9 immediate family member.

10 **Sec. 2. 26 MRSA §§637 and 637-A** are enacted to read:

11 **§637. Paid sick leave**

12 An employer that employs 50 or more employees shall provide to each employee  
13 paid sick leave as provided by this section.

14 **1. Eligibility.** An employee who works for 30 or more days in a one-year period is  
15 eligible to use paid sick leave accrued pursuant to this section.

16 **2. Accrual.** An employee entitled to paid sick leave under this section accrues such  
17 leave at a rate of no less than one hour of sick leave for every 30 hours worked. Accrual  
18 begins at the start of employment, but the employer is not required to permit use of the  
19 leave before an employee has been employed for 90 days. The employer shall permit an  
20 employee to carry forward at least 40 hours of accrued sick leave to the following year,  
21 but an employer is not required to allow the use of more than 40 hours of paid sick leave  
22 in one year.

23 **3. Use of accrued sick leave.** Accrued paid sick leave may be used, upon oral or  
24 written notice to the employer, for the following:

25 A. Diagnosis, care or treatment of an existing health condition of or preventative  
26 care for the employee or a member of the employee's family; and

27 B. Leave for an employee when the employee or a family member of the employee is  
28 a victim of domestic abuse, sexual assault or stalking.

29 An employee is not required to secure a substitute when that employee uses paid sick  
30 leave.

31 **4. Exceptions.** This section does not apply to an employee covered by a collective  
32 bargaining agreement or to an individual employed by a parent or spouse.

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

