

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 462

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H.P. 346

House of Representatives, January 29, 2019

### **An Act To Provide Paid Family Leave to Public School Employees**

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Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PIERCE of Falmouth.  
Cosponsored by Senator MILLETT of Cumberland and  
Representatives: DAUGHTRY of Brunswick, DENK of Kennebunk, DODGE of Belfast,  
GATTINE of Westbrook, KORNFELD of Bangor, MORALES of South Portland.

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

2 **Sec. 1. 26 MRSA §844, sub-§1**, as amended by PL 2007, c. 233, §2, is further  
3 amended to read:

4 **1. Family medical leave entitlement.** Every employee, other than an employee  
5 covered under subsection 1-A, who has been employed by the same employer for 12  
6 consecutive months is entitled to up to 10 work weeks of family medical leave in any 2  
7 years unless employed at a permanent work site with fewer than 15 employees. The  
8 following conditions apply to family medical leave granted under this subchapter:

9 A. The employee must give at least 30 days' notice of the intended ~~date~~ dates upon  
10 which family medical leave will commence and terminate, unless prevented by  
11 medical emergency from giving that notice;

12 B. The employer may require certification from a physician to verify the amount of  
13 leave requested by the employee, except that an employee who in good faith relies on  
14 treatment by prayer or spiritual means, in accordance with the tenets and practice of a  
15 recognized church or religious denomination, may submit certification from an  
16 accredited practitioner of those healing methods; and

17 C. The employer and employee may negotiate for more or less leave, but both parties  
18 must agree.

19 **Sec. 2. 26 MRSA §844, sub-§1-A** is enacted to read:

20 **1-A. School administrative units; paid family medical leave entitlement.**  
21 Notwithstanding subsection 2, a full-time employee of a school administrative unit who  
22 has been employed by the same employer for 12 consecutive months is entitled to paid  
23 family medical leave for up to 12 work weeks and may not be required to use sick leave  
24 or other leave for the birth of the employee's child or the employee's domestic partner's  
25 child or for the placement of a child 16 years of age or less with the employee or the  
26 employee's domestic partner in connection with the adoption of the child by the employee  
27 or the employee's domestic partner. The following conditions apply to paid family  
28 medical leave granted under this subsection:

29 A. The employee must give at least 30 days' notice of the intended dates upon which  
30 paid family medical leave will commence and terminate, unless prevented by medical  
31 emergency from giving that notice;

32 B. The employer may require certification from a physician to verify the amount of  
33 leave requested by the employee;

34 C. The employer and employee may negotiate for more or less leave, but both parties  
35 must agree; and

36 D. The employer and employee may negotiate whether leave is taken intermittently  
37 or on a reduced leave schedule, but both parties must agree.

38 For purposes of this subsection, "full-time employee" means an employee who  
39 customarily works 30 hours or more each week.

**SUMMARY**

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This bill provides that a full-time employee of a school administrative unit is entitled to up to 12 weeks of paid family medical leave and may not be required to use sick or other kinds of leave for the birth of the employee's child or the employee's domestic partner's child or for the placement of a child 16 years of age or less with the employee or the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner. The bill also provides that the employer and employee may negotiate whether leave is taken intermittently or on a reduced leave schedule.