

MAINE STATE LEGISLATURE

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SJK
ROFS

L.D. 912

Date: 6-16-21

(Filing No. H-123)

MAJORITY

LABOR AND HOUSING

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 668, L.D. 912, "An Act To Extend Family Medical Leave to Hourly School Employees"

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

1. Family medical leave entitlement. Every Except as provided in subsection 4, every employee who has been employed by the same employer for 12 consecutive months is entitled to up to 10 work weeks of family medical leave in any 2 years unless employed at a permanent work site with fewer than 15 employees. The following conditions apply to family medical leave granted under this subchapter:

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

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

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

Sec. 2. 26 MRSA §844, sub-§4 is enacted to read:

4. School employees. Notwithstanding any provision of law to the contrary, an employee of a school administrative unit who has worked at least 900 hours in the previous 12-month period is eligible for family medical leave under the same terms and conditions as leave provided to eligible employees under the federal Family and Medical Leave Act of 1993.

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to H.P. 668, L.D. 912

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment replaces the bill. The amendment allows an employee of a school
5 administrative unit who has worked at least 900 hours in the previous 12-month period to
6 be eligible for family medical leave under the same terms and conditions as leave provided
7 to eligible employees under the federal Family and Medical Leave Act of 1993.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 912

LR 681(02)

An Act To Extend Family Medical Leave to Hourly School Employees

Fiscal Note for Bill as Amended by Committee Amendment *A(H-923)*

Committee: Labor and Housing

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity

This bill expands federal Family and Medical Leave Act of 1993 (FMLA) protections to school employees who have worked at least 900 hours in the previous 12-month period. Under FMLA, employers are required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave.

Unit Affected

School

Local Cost

Moderate
statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

Local school administrative units may also incur additional costs to hire replacement workers for those school employees that would now be eligible for leave under FMLA. These costs may be mitigated to an extent if the employee taking the FMLA leave is taking it as unpaid leave.