MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1823

H.P. 1356

House of Representatives, December 17, 2021

An Act To Amend the Enforcement Provisions of the Law **Governing Earned Paid Leave**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 15, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative MILLETT of Cape Elizabeth. Cosponsored by President JACKSON of Aroostook and Representatives: CRAFTS of Newcastle, LAROCHELLE of Augusta, PEBWORTH of Blue Hill, SUPICA of Bangor, SYLVESTER of Portland, Senator: HICKMAN of Kennebec.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law governing enforcement of the earned paid leave law may exempt disputes over the application of the law from the dispute resolution processes in collective bargaining agreements; and

Whereas, the need for earned paid leave is heightened during the ongoing COVID-19 pandemic, and disputes over the application of the earned paid leave law should be subject to dispute resolution processes in collective bargaining agreements; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

- **Sec. 1. 26 MRSA §637, sub-§7,** as enacted by PL 2019, c. 156, §3 and affected by §4, is amended to read:
- 7. **Enforcement.** The bureau has the exclusive authority pursuant to section 42 to enforce this section. If an employee is covered by a collective bargaining agreement, any dispute over the applicability or enforcement of this section is subject to the dispute resolution process in that collective bargaining agreement, with the remedies in section 848 available to the employee if the employee demonstrates an employer violation of this section.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

24 SUMMARY

This bill provides that if an employee is covered by a collective bargaining agreement, a dispute over the applicability or enforcement of the earned paid leave law is subject to the dispute resolution process in that collective bargaining agreement, with the remedies in the law governing family medical leave available to the employee if the employee demonstrates an employer violation.