

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1239

H.P. 787

House of Representatives, March 21, 2023

**An Act to Make General Election Day a State Holiday and to Allow
Certain Employees an Opportunity to Vote**

Reference to the Committee on State and Local Government suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative COLLINGS of Portland.
Cosponsored by Representative DHALAC of South Portland,
Senator DUSON of Cumberland and
Representatives: ABDI of Lewiston, DANA of the Passamaquoddy Tribe, KUHN of Falmouth,
RANA of Bangor, Speaker TALBOT ROSS of Portland, Senators: BRENNER of Cumberland,
HICKMAN of Kennebec, President JACKSON of Aroostook.

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

2 **Sec. 1. 4 MRSA §1051**, as repealed and replaced by PL 2021, c. 676, Pt. A, §2, is
3 repealed and the following enacted in its place:

4 **§1051. Closings for legal holidays**

5 This section governs the days on which court may not be held.

6 **1. Legal holidays.** Court may not be held on Sunday or:

7 A. New Year's Day, January 1st;

8 B. Martin Luther King, Jr. Day, the 3rd Monday in January;

9 C. Presidents' Day, the 3rd Monday in February;

10 D. Patriot's Day, the 3rd Monday in April;

11 E. Memorial Day, the last Monday in May, but if the Federal Government designates
12 May 30th as the date for observance of Memorial Day, the 30th of May;

13 F. Juneteenth, June 19th;

14 G. Independence Day, July 4th;

15 H. Labor Day, the first Monday of September;

16 I. Indigenous Peoples Day, the 2nd Monday in October;

17 J. Election Day, the Tuesday following the first Monday in November in an even-
18 numbered year;

19 K. Veterans Day, November 11th; or

20 L. Any day designated for the annual Thanksgiving; or

21 M. Christmas Day, December 25th.

22 **2. Exception; Sundays.** The Chief Justice of the Supreme Judicial Court may order
23 that court be held on a legal holiday when the Chief Justice finds that the interests of justice
24 and judicial economy in any particular case will be served. The public offices in county
25 buildings may be closed to business on the holidays named in this section. When any one
26 of the holidays named in this section falls on Sunday, the Monday following must be
27 observed as a holiday, with all the privileges applying to any of the days named in this
28 section.

29 **Sec. 2. 5 MRSA §60** is enacted to read:

30 **§60. Election Day established as state holiday**

31 Election Day, the Tuesday following the first Monday in November in an even-
32 numbered year, is a state holiday and all nonessential state offices must be closed.

33 **Sec. 3. 9-B MRSA §145, sub-§1, ¶I-1** is enacted to read:

34 I-1. The Tuesday following the first Monday in November in an even-numbered year,
35 Election Day;

36 **Sec. 4. 20-A MRSA §4802, sub-§1, ¶E-1** is enacted to read:

1 E-1. Election Day, the Tuesday following the first Monday in November in an even-
2 numbered year;

3 **Sec. 5. 26 MRSA §605** is enacted to read:

4 **§605. Election Day opportunity to vote**

5 An employer shall provide an employee 3 consecutive hours in which to vote on the
6 day of the general election, which is the Tuesday following the first Monday in November
7 in an even-numbered year, during polling times established by the employee's municipality
8 pursuant to Title 21-A, section 626.

9 **1. Employee's working hours allow 3 consecutive hours.** If the employee's working
10 hours allow the employee 3 consecutive hours in which to vote in accordance with this
11 section, the employer is not required to provide the employee paid time off.

12 **2. Employee's working hours do not allow 3 consecutive hours.** If the employee's
13 working hours do not allow the employee 3 consecutive hours in which to vote in
14 accordance with this section, the employer shall provide the employee paid time off
15 sufficient to allow the employee 3 consecutive hours in which to vote in accordance with
16 this section. The employer may schedule the paid time off in any manner that permits the
17 employee 3 consecutive hours in which to vote in accordance with this section.

18 **3. Posting required.** For at least 10 days before each general election, an employer
19 shall post notice of the requirements of this law in the workplace in a manner likely to be
20 seen by all employees. The Secretary of State shall prepare and supply to employers, on
21 request, the notice that must be posted under this subsection.

22 For the purposes of this section, "employee" means a person in the service of an
23 employer under any contract of hire, express or implied, oral or written, and "employer"
24 means any person or entity, public or private, who employs an employee.

25 **SUMMARY**

26 This bill designates Election Day, the Tuesday following the first Monday in
27 November in an even-numbered year, as a state holiday. It also establishes a requirement
28 that employers provide an employee 3 consecutive hours in which to vote on the day of the
29 general election. If the employee's working hours do not allow the employee 3 consecutive
30 hours in which to vote, the employer shall provide the employee paid time off sufficient to
31 allow the employee 3 consecutive hours in which to vote. It also requires that an employer,
32 at least 10 days before each general election, post notice of these requirements in the
33 workplace in a manner likely to be seen by all employees. The Secretary of State is directed
34 to prepare and supply employers the notice that must be posted.