

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2093

H.P. 1408

House of Representatives, January 7, 2026

**An Act to Codify and Update a Provision of Private and Special Law
Governing Temporary Disability for State Employees**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

Reference to the Committee on Labor suggested and ordered printed.

R. B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative SALISBURY of Westbrook.

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

2 **Sec. 1. 5 MRSA §7073** is enacted to read:

3 **§7073. Provision for temporary disability**

4 When a confidential employee has a temporary total disability, the appointing authority
5 shall provide temporary disability benefits to the confidential employee in accordance with
6 this section and continue to pay the confidential employee's regular employment benefits
7 in accordance with subsection 7.

8 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
9 following terms have the following meanings.

10 A. "Confidential employee" means an employee within the executive branch,
11 including a probationary employee, who is employed in a position excluded from the
12 definition of "state employee" pursuant to Title 26, section 979-A, subsection 6,
13 paragraphs B, C, D, I and J.

14 B. "Continuous leave" means leave that is not intermittent and not a reduced schedule.

15 C. "Temporary disability benefit" means a benefit for temporary total disability paid
16 to an eligible confidential employee pursuant to this section.

17 D. "Total disability" means the inability to engage in any gainful occupation for which
18 a confidential employee is reasonably suited by training, education and experience.

19 **2. Eligibility.** A confidential employee employed by the State in that position for
20 more than 6 months who becomes totally disabled may receive a temporary disability
21 benefit while the confidential employee remains totally disabled and under the care of a
22 licensed physician if:

23 A. The confidential employee incurs a loss of time from work as a result of the
24 disability, including a disability resulting from sickness or accidental bodily injury; and

25 B. The disability prevents the confidential employee from performing the duties of
26 that confidential employee's occupation.

27 **3. Start of benefit.** The temporary disability benefit must commence on the day
28 immediately following the later of:

29 A. The exhaustion of the confidential employee's accumulated sick leave; or

30 B. The 30th day of continuous total disability.

31 **4. End of benefit.** The temporary disability benefit must continue until whichever of
32 the following occurs first:

33 A. The day before the day the confidential employee returns to any gainful occupation;

34 B. The day after the confidential employee exhausts the remaining balance of the 365
35 days of temporary disability benefits allowed per confidential employee pursuant to
36 subsection 6; or

37 C. The first day the confidential employee is eligible for a disability retirement
38 allowance under Title 5, chapter 423, subchapter 5, article 3.

39 **5. Benefit amount; exception for disabilities compensable under workers'**
40 **compensation.** The temporary disability benefit equals 2/3 of the confidential employee's

1 weekly salary at the date of the commencement of the total disability. Any state retirement
2 allowance must be deducted from the temporary disability benefit. A temporary disability
3 benefit may not be made if the confidential employee's disability is compensable under
4 Title 39-A.

5 **6. Benefit cap; subsequent periods of total disability.** A confidential employee may
6 not receive more than 365 days of temporary disability benefits during that confidential
7 employee's entire tenure of service as a confidential employee, regardless of any breaks in
8 service. If a confidential employee does not use all 365 days of temporary disability
9 benefits for a single period of continuous leave for total disability, the confidential
10 employee carries the remaining balance of the 365 days and may use those remaining days
11 for subsequent periods of continuous leave for total disability in accordance with this
12 section.

13 **7. Continuation of regular employment benefits.** A confidential employee who is
14 provided temporary disability benefits under this section must continue to receive the
15 regular employment benefits that were provided to the confidential employee immediately
16 before the first date of the total disability.

17 **Sec. 2. P&SL 1989, c. 86, Pt. C, §5 is repealed.**

18 **SUMMARY**

19 This bill repeals a provision of private and special law governing temporary disability
20 for state employees and enacts that provision, with minor changes, in the Maine Revised
21 Statutes.