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Legislative Document

No. 883

H.P. 657

House of Representatives, February 19, 2019

An Act To Establish the Opt-in Maine Paid Family Leave Insurance Program

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 DAUGHTRY of Brunswick.
Cosponsored by Senator HERBIG of Waldo and
Representatives: BABINE of Scarborough, CAIAZZO of Scarborough, HOBBS of Wells,
RYKERSON of Kittery, TEPLER of Topsham, TERRY of Gorham, Senators: MILLETT of
Cumberland, POULIOT of Kennebec.

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

2 **Sec. 1. 26 MRSA c. 7, sub-c. 6-C** is enacted to read:

3 **SUBCHAPTER 6-C**

4 **MAINE PAID FAMILY LEAVE INSURANCE PROGRAM**

5 **§850-A. Maine Paid Family Leave Insurance Program**

6 **1. Definitions.** As used in this subchapter, unless the context otherwise indicates,
7 the following terms have the following meanings.

8 A. "Employee" has the same meaning as in section 843, subsection 1.

9 B. "Employer" has the same meaning as in section 843, subsection 3.

10 C. "Family medical leave" has the same meaning as in section 843, subsection 4.

11 D. "Program" means the Maine Paid Family Leave Insurance Program created in this
12 subchapter.

13 **2. Program created.** The Maine Paid Family Leave Insurance Program is created
14 within the Department of Labor. The program provides wage-replacement benefits to
15 eligible persons who are on family medical leave from employment.

16 **3. Eligibility.** To be eligible for benefits under the program, a person must be
17 employed and must have had earnings from employment and made contributions to the
18 program in at least 12 of the prior 52 weeks. The person must file a written notice with
19 the person's employer at least 30 days prior to commencement of the family medical
20 leave. Failure by the person to file the written notice may result in delay or reduction in
21 the benefits, except in the event the time of the leave is unforeseeable or changes due to
22 unforeseeable circumstances.

23 **4. Benefits provided.** An eligible person under this subchapter receives a weekly
24 benefit of 2/3 of that person's average weekly wage in the 2 quarters in the preceding 52
25 weeks in which the person's wage was highest, except that the maximum amount of the
26 weekly benefit is 100% of the state average weekly wage. Benefits are provided for up to
27 6 weeks in any 12-month period. Benefits must be reduced by any available workers'
28 compensation benefits and sick pay. Benefits may not be reduced by other disability
29 benefits, pension payments or other earnings. The waiting period before benefits begin is
30 7 days, except that a benefit payment for the first 7 days must be made retroactively if the
31 family medical leave lasts 3 weeks or more.

32 **5. Fund created.** The Paid Family Leave Insurance Fund is created to collect
33 contributions and fund benefits under this subchapter. The fund may be used to pay
34 administrative costs of the program and to pay benefits. The fund does not lapse but must
35 be carried forward to implement this subchapter.

