

129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

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.

ROBERT B. HUNT Clerk

R(+ B. Hunt

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.

Be	it enacted by the People of the State of Maine as follows:
	Sec. 1. 26 MRSA c. 7, sub-c. 6-C is enacted to read:
	SUBCHAPTER 6-C
	MAINE PAID FAMILY LEAVE INSURANCE PROGRAM
<u>§8</u>	50-A. Maine Paid Family Leave Insurance Program
the	1. Definitions. As used in this subchapter, unless the context otherwise indicates to following terms have the following meanings.
	A. "Employee" has the same meaning as in section 843, subsection 1.
	B. "Employer" has the same meaning as in section 843, subsection 3.
	C. "Family medical leave" has the same meaning as in section 843, subsection 4.
	D. "Program" means the Maine Paid Family Leave Insurance Program created in this subchapter.
	2. Program created. The Maine Paid Family Leave Insurance Program is created thin the Department of Labor. The program provides wage-replacement benefits to gible persons who are on family medical leave from employment.
the	3. Eligibility. To be eligible for benefits under the program, a person must be aployed and must have had earnings from employment and made contributions to the ogram in at least 12 of the prior 52 weeks. The person must file a written notice with a person's employer at least 30 days prior to commencement of the family medical eye. Failure by the person to file the written notice may result in delay or reduction in a benefits, except in the event the time of the leave is unforeseeable or changes due to foreseeable circumstances.
we we con be:	4. Benefits provided. An eligible person under this subchapter receives a weekly nefit of 2/3 of that person's average weekly wage in the 2 quarters in the preceding 52 teks in which the person's wage was highest, except that the maximum amount of the rekly benefit is 100% of the state average weekly wage. Benefits are provided for up to weeks in any 12-month period. Benefits must be reduced by any available workers impensation benefits and sick pay. Benefits may not be reduced by other disability mefits, pension payments or other earnings. The waiting period before benefits begin is lays, except that a benefit payment for the first 7 days must be made retroactively if the mily medical leave lasts 3 weeks or more.
ad	5. Fund created. The Paid Family Leave Insurance Fund is created to collect attributions and fund benefits under this subchapter. The fund may be used to pay ministrative costs of the program and to pay benefits. The fund does not lapse but must carried forward to implement this subchapter.

- 6. Contributions. The Department of Labor shall determine the actuarially appropriate total contribution needed each year to fund benefits under this section. The department shall collect the entire required amount from employees. The aggregate employee contribution must be collected from individual employees on a sliding scale based on wages, as determined by the department.
- 7. Restoration of employment. A person who exercises that person's right to benefits under this subchapter is, upon the expiration of those benefits, entitled to be restored by the person's employer to the position held by the person when the family medical leave commenced, or to a position with equivalent seniority, status, employment benefits, pay and other terms and conditions of employment including any other benefits and service credits that the person had been entitled to at the commencement of leave.
- 8. Maintenance of employee health benefits. During a family medical leave taken pursuant to this subchapter, the employer shall maintain any existing health benefits of the employee in effect for the duration of the leave as if the employee had continued employment from the date the employee commenced the leave until the date the leave terminates as long as the employee continues to pay any employee shares of the costs of health benefits as required prior to the commencement of the leave.
- 9. Concurrent leave. Benefits provided under this subchapter must be provided in accordance with the federal Family and Medical Leave Act of 1993, 29 United States Code, Section 2601 et seq. and the requirements for family medical leave under state law in subchapter 6-A. An employer may require an employee who is entitled to leave under federal or state law who takes family medical leave pursuant to this subchapter to take that leave concurrently with any leave taken pursuant to the federal Family and Medical Leave Act of 1993 or to subchapter 6-A.
- 10. Rules. The Department of Labor shall adopt rules necessary to administer the program and determine the method of collecting and depositing contributions in the fund created in subsection 5. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

29 SUMMARY

1 2

This bill creates the Maine Paid Family Leave Insurance Program to provide wage-replacement benefits to persons who qualify for family medical leave. The program is funded by employee contributions and provides 2/3 of a person's average weekly wage or 100% of the state average weekly wage, whichever is lower, for up to 6 weeks in any 12-month period. Employee contributions are collected on a sliding scale based on wages.