



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 462

H.P. 346

House of Representatives, January 29, 2019

An Act To Provide Paid Family Leave to Public School Employees

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 PIERCE of Falmouth.
Cosponsored by Senator MILLETT of Cumberland and
Representatives: DAUGHTRY of Brunswick, DENK of Kennebunk, DODGE of Belfast,
GATTINE of Westbrook, KORNFELD of Bangor, MORALES of South Portland.

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

2 **Sec. 1. 26 MRSA §844, sub-§1**, as amended by PL 2007, c. 233, §2, is further
3 amended to read:

4 **1. Family medical leave entitlement.** Every employee, other than an employee
5 covered under subsection 1-A, who has been employed by the same employer for 12
6 consecutive months is entitled to up to 10 work weeks of family medical leave in any 2
7 years unless employed at a permanent work site with fewer than 15 employees. The
8 following conditions apply to family medical leave granted under this subchapter:

9 A. The employee must give at least 30 days' notice of the intended ~~date~~ dates upon
10 which family medical leave will commence and terminate, unless prevented by
11 medical emergency from giving that notice;

12 B. The employer may require certification from a physician to verify the amount of
13 leave requested by the employee, except that an employee who in good faith relies on
14 treatment by prayer or spiritual means, in accordance with the tenets and practice of a
15 recognized church or religious denomination, may submit certification from an
16 accredited practitioner of those healing methods; and

17 C. The employer and employee may negotiate for more or less leave, but both parties
18 must agree.

19 **Sec. 2. 26 MRSA §844, sub-§1-A** is enacted to read:

20 **1-A. School administrative units; paid family medical leave entitlement.**
21 Notwithstanding subsection 2, a full-time employee of a school administrative unit who
22 has been employed by the same employer for 12 consecutive months is entitled to paid
23 family medical leave for up to 12 work weeks and may not be required to use sick leave
24 or other leave for the birth of the employee's child or the employee's domestic partner's
25 child or for the placement of a child 16 years of age or less with the employee or the
26 employee's domestic partner in connection with the adoption of the child by the employee
27 or the employee's domestic partner. The following conditions apply to paid family
28 medical leave granted under this subsection:

29 A. The employee must give at least 30 days' notice of the intended dates upon which
30 paid family medical leave will commence and terminate, unless prevented by medical
31 emergency from giving that notice;

32 B. The employer may require certification from a physician to verify the amount of
33 leave requested by the employee;

34 C. The employer and employee may negotiate for more or less leave, but both parties
35 must agree; and

36 D. The employer and employee may negotiate whether leave is taken intermittently
37 or on a reduced leave schedule, but both parties must agree.

38 For purposes of this subsection, "full-time employee" means an employee who
39 customarily works 30 hours or more each week.

SUMMARY

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This bill provides that a full-time employee of a school administrative unit is entitled to up to 12 weeks of paid family medical leave and may not be required to use sick or other kinds of leave for the birth of the employee's child or the employee's domestic partner's child or for the placement of a child 16 years of age or less with the employee or the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner. The bill also provides that the employer and employee may negotiate whether leave is taken intermittently or on a reduced leave schedule.