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No. 1239

H.P. 900

House of Representatives, March 14, 2019

An Act To Mandate Paid Maternity and Parental Leave

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 COLLINGS of Portland.
Cosponsored by Senator SANBORN, H. of Cumberland and
Representatives: CARDONE of Bangor, CUDDY of Winterport, GRAMLICH of Old Orchard
Beach, McDONALD of Stonington, PERRY of Calais, ROBERTS-LOVELL of South
Berwick, TALBOT ROSS of Portland, WARREN of Hallowell.

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 **PAID MATERNITY AND PARENTAL LEAVE REQUIREMENTS**

5 **§850-A. Definitions**

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

8 **1. Employee.** "Employee" means a person who may be permitted, required or
9 directed by an employer in consideration of direct or indirect gain or profit to engage in
10 any employment but does not include an independent contractor.

11 **2. Employee benefits.** "Employee benefits" means all benefits, other than salary and
12 wages, provided or made available to employees by an employer and includes group life
13 insurance, health insurance, disability insurance and pensions, regardless of whether
14 benefits are provided by a policy or practice of an employer.

15 **3. Large employer.** "Large employer" means:

16 A. Any person, sole proprietorship, partnership, corporation, association or other
17 business entity that employs more than 49 employees;

18 B. The State, including the executive, legislative and judicial branches and any state
19 department or agency that employs any employees; and

20 C. Any city, town or municipal agency that employs more than 49 employees.

21 "Large employer" includes any agent of a large employer.

22 **4. Small employer.** "Small employer" means:

23 A. A person, sole proprietorship, partnership, corporation, association or other
24 business entity that employs one to 49 employees; and

25 B. A city, town or municipal agency that employs one to 49 employees.

26 **§850-B. Paid maternity leave**

27 **1. Maternity leave entitlement; small employers.** An employee of a small
28 employer who has been employed by the same employer for 12 consecutive months and
29 who gives birth is entitled to 2 work weeks of paid maternity leave.

30 **2. Maternity leave entitlement; large employers.** An employee of a large
31 employer who has been employed by the same employer for 12 consecutive months and
32 who gives birth is entitled to 4 work weeks of paid maternity leave.

1 **§850-C. Paid parental leave**

2 **1. Parental leave entitlement; small employers.** An employee of a small employer
3 who has been employed by the same employer for 12 consecutive months and who is the
4 spouse or domestic partner of a person who gives birth is entitled to one work week of
5 paid parental leave.

6 **2. Parental leave entitlement; large employers.** An employee of a large employer
7 who has been employed by the same employer for 12 consecutive months and who is the
8 spouse or domestic partner of a person who gives birth is entitled to 2 work weeks of paid
9 parental leave.

10 **§850-D. Employee benefits protection**

11 **1. Restoration.** An employee who exercises the right to paid maternity or parental
12 leave under this subchapter, upon expiration of the leave, is entitled to be restored by the
13 employer to the position held by the employee when the leave commenced or to a
14 position with equivalent seniority status, employee benefits, pay and other terms and
15 conditions of employment. This subsection does not apply if the employer proves that
16 the employee was not restored as provided in this subsection because of conditions
17 unrelated to the employee's exercise of rights under this subchapter.

18 **2. Maintenance of employee benefits.** An employer shall maintain an employee's
19 employee benefits at the employer's expense for the duration of paid maternity or parental
20 leave taken under this subchapter.

21 **§850-E. Effect on existing employee benefits**

22 **1. Benefit accrual.** The taking of paid maternity or parental leave under this
23 subchapter may not result in the loss of any employee benefit accrued before the date on
24 which the leave commenced.

25 **2. Effect on collective bargaining.** Nothing in this subchapter may be construed to
26 affect an employer's obligation to comply with any collective bargaining agreement or
27 employee benefit plan that provides greater paid maternity or parental leave rights to
28 employees than the rights provided under this subchapter.

29 **3. Rights not diminished.** The paid maternity or parental leave rights mandated by
30 this subchapter may not be diminished by a collective bargaining agreement or an
31 employee benefit plan.

32 **4. Contract rights.** Nothing in this subchapter may be construed to affect or
33 diminish the contract rights or seniority status of an employee of an employer covered by
34 this subchapter.

35 **§850-F. Prohibited acts**

36 **1. Unlawful interference or denial of rights.** An employer may not interfere with,
37 restrain or deny the exercise of or the attempt to exercise a right provided by this
38 subchapter.

