

In Growing Trend, State Legislature Passes One of the Nation's Broadest Paid Leave Laws

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On May 7 and 8, 2019, the Maine State Legislature passed a bill that would require private employers to provide most employees with up to 40 hours of paid leave each year—with no restrictions on permissible uses. The bill, as originally proposed, was focused specifically on paid sick leave, but after the amendment process, the legislation that was ultimately voted on and passed provides for a more general paid leave. While other states require paid sick leave to allow employees to deal with illness, or paid family leave to allow employees to bond with newborns, Maine's legislation would permit employees to take paid leave for any reason, even one as mundane as having a furnace serviced.

Under the legislation, employers with ten or more employees would be required to offer up to 40 hours of paid leave each year, at an accrual rate of one hour of paid leave for every 40 hours worked. Accrual would begin at the start of employment, though employers could prohibit the use of paid leave during an employee's first 120 days of employment.

In yet another break from most paid leave ordinances across the country, the Maine legislation would only require employees to provide "reasonable notice" of the intent to use paid leave in the absence of an emergency. Conversely, most paid leave laws allow employers to require specific advance notice whenever the need for leave foreseeable, and even when the need for leave is not foreseeable, require employees to provide notice as soon as practicable. The language in Maine's legislation is decidedly more relaxed. Nonetheless, the legislation does provide that the use of leave in non-emergency situations shall be scheduled to avoid undue hardship on the employer.

The bill must still be approved for a second time by both the House and Senate, before heading to the Governor's desk to be signed into law. Governor Janet Mills has already expressed support for the bill and, with both chambers of the legislature already voting to pass the legislation once, it seems likely that the bill's enactment is inevitable. Once signed into law, the legislation is slated to take effect on January 1, 2021.

For more information on this topic, please contact a member of the firm's [Labor & Employment Practice Group](#).

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