

Maine Becomes First State to Require Paid Leave for Any Reason

Law and the Workplace on May 30, 2019

Maine's Governor Janet Mills has signed into law an [Act Authorizing Earned Employee Leave](#) (the "Act"), which will require covered employers to provide employees with up to 40 hours of paid personal leave per calendar year. Unlike other paid family and sick leave laws that have been enacted around the country, Maine's law would be the first law to allow employees to use earned paid leave for any purpose, including non-medical personal reasons.

Effective January 1, 2021, employers in Maine that employ more than 10 employees for more than 120 days in any calendar year (other than in seasonal employment) will be required to provide employees with one hour of paid leave for every 40 hours worked, up to 40 hours per year. The law does not include any provisions for carryover of unused time into the following year. Although employees will begin to accrue leave at the start of employment, employers are not required to permit use of such leave before the employee has been employed for 120 days during a one-year period.

Absent an emergency, illness, or other sudden necessity for taking earned leave, employees are required to give "reasonable notice" of their intention to use the leave (though the term is not further defined in the law). And, use of leave must be scheduled "to prevent undue hardship on the employer as reasonably determined by the employer."

The Act contains exceptions for employees covered by a collective bargaining agreement during the period between January 1, 2021 (the Act's effective date) and the expiration of the agreement. Notably, the Act also prohibits municipalities from passing their own paid leave ordinances.

Employers who violate the Act are subject to penalties of up to \$1,000 per violation. Though the Act states that the Maine Department of Labor shall adopt rules to implement and enforce the law, it is unclear whether any such rules will include employer notice or posting requirements.

We will continue to monitor this Act and report on any further developments.

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