

§850-A. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

1. Administrator. "Administrator" means the department administering the program or an authorized 3rd party conducting any functions necessary to implement and operate the program.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

2. Authority. "Authority" means the Paid Family and Medical Leave Benefits Authority, under section 850-O.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

3. Average weekly wage. "Average weekly wage," as used to establish the maximum weekly benefit amount for purposes of this subchapter, means 1/52 of aggregate total wages paid in the State for a covered individual, as reported on employer contribution reports for the calendar year, divided by the arithmetic mean of midmonth weekly covered employment reported on employer contribution reports for the calendar year in the form and manner determined by the department.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

4. Base period. "Base period" means the first 4 of the last 5 completed calendar quarters immediately preceding the first day of an individual's benefit year.

[PL 2023, c. 643, Pt. ZZZ, §1 (AMD).]

5. Benefit year. "Benefit year" means the 12-month period beginning on the first day of the calendar week immediately preceding the first date of approved family or medical leave.

[PL 2023, c. 643, Pt. ZZZ, §2 (AMD).]

6. Commissioner. "Commissioner" means the Commissioner of Labor.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

7. Contributions. "Contributions" means the payments remitted by an employer or self-employed individual to the fund, as required by this subchapter.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

8. Controller. "Controller" means the State Controller.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

9. Covered individual. "Covered individual" means a person who:

A. Earned at least 6 times the state average weekly wage in wages subject to premiums under this subchapter during the individual's base period or elects coverage and meets the requirements of section 850-G; and [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

B. Meets the administrative requirements outlined in this subchapter and any rules adopted pursuant to this subchapter and files an application for family leave benefits or medical leave benefits. [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

10. Covered service member. "Covered service member" means:

A. A member of the United States Armed Forces, including the National Guard and the Reserves of the United States Armed Forces, who is:

(1) Undergoing medical treatment, recuperation or therapy or otherwise receiving outpatient treatment; or

(2) Otherwise on the United States Armed Forces' temporary disability retired list for a serious injury or illness that was incurred by the member in the line of duty in the United States Armed Forces or a serious injury or illness that existed before the beginning of the member's active

duty and was aggravated by service in the line of duty on active duty in the United States Armed Forces; or [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

B. A former member of the United States Armed Forces, including the National Guard and the Reserves of the United States Armed Forces, who is undergoing medical treatment, recuperation or therapy for a serious injury or illness that was incurred by the member in the line of duty in the United States Armed Forces or a serious injury or illness that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the United States Armed Forces and manifested before or after the member was discharged or released from service. [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

11. Department. "Department" means the Department of Labor.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

12. Domestic partner. "Domestic partner" has the same meaning as in Title 1, section 72, subsection 2-C.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

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

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

14. Employer. "Employer" means:

A. Any person, sole proprietorship, partnership, corporation, association or other business entity that employs employees at a location in this State; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

B. The State, including the executive, legislative and judicial branches, and a state department or agency; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

C. A county, city, town or municipal agency; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

D. An agent of an employer, the State or a political subdivision of the State; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

E. A public employer, as defined in section 962, subsection 7; and [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

F. A tribal government that has elected coverage pursuant to section 850-G. [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

"Employer" does not include the Federal Government.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

15. Employment. "Employment" means a service performed for wages.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

16. Employment benefits. "Employment benefits" means all benefits provided or made available to employees by an employer, including, but not limited to, group life insurance, health insurance, disability insurance, sick leave, annual or vacation leave, educational benefits and pensions.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

17. Family leave. "Family leave" means leave taken pursuant to section 850-B, subsection 2.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

18. Family leave benefits. "Family leave benefits" means wage replacement paid pursuant to sections 850-B and 850-C to a covered individual while the covered individual is on family leave.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

19. Family member. "Family member" means, with respect to a covered individual or spouse or domestic partner of a covered individual:

A. Regardless of age, a child, including a child whose parentage has been determined under the Maine Parentage Act or any other biological child, adopted child, foster child or stepchild, or a child to whom the covered individual or spouse or domestic partner of the covered individual stands in loco parentis or a child the covered individual or spouse or domestic partner of the covered individual has under legal guardianship or any individual to whom the covered individual or spouse or domestic partner of the covered individual stood in any of these relationships when the individual was a minor child; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

B. A parent, including a legal parent, biological parent, adoptive parent, foster parent, stepparent, de facto parent or legal guardian or a person who stood in loco parentis when the covered individual or spouse or domestic partner of the covered individual was a minor child; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

C. A grandparent, including a legal grandparent, biological grandparent, adoptive grandparent, foster grandparent, stepgrandparent or de facto grandparent; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

D. A grandchild, including a legal grandchild, biological grandchild, adoptive grandchild, foster grandchild, stepgrandchild or de facto grandchild; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

E. A sibling, including a legal sibling, biological sibling, adoptive sibling, foster sibling, stepsibling or de facto sibling; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

F. A spouse or domestic partner of a covered individual; or [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

G. As designated by the covered individual in accordance with rule, an individual with whom the covered individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship. [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

20. Fund. "Fund" means the Paid Family and Medical Leave Insurance Fund established under section 850-E.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

21. Health care provider. "Health care provider" means an individual licensed to practice medicine, surgery, dentistry, chiropractic, podiatry, midwifery or osteopathy or any other individual determined by the administrator to be capable of providing health care services.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

22. Medical leave. "Medical leave" means leave taken pursuant to section 850-B, subsection 3.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

23. Medical leave benefits. "Medical leave benefits" means wage replacement paid pursuant to sections 850-B and 850-C to a covered individual while the covered individual is on medical leave.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

24. Program. "Program" means the paid family and medical leave benefits program established in section 850-B.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

25. Qualifying exigency. "Qualifying exigency" means an exigency determined pursuant to the federal Family and Medical Leave Act of 1993, 29 United States Code, Section 2612(a)(1)(E).

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

26. Safe leave. "Safe leave" means any leave taken because the covered individual or the covered individual's family member is a victim of violence, assault, sexual assault under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter 103. Safe leave under this subchapter applies if the covered individual is using the leave to protect the covered individual or the covered individual's family member by:

A. Seeking an order for protection under Title 19-A, chapter 103; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

B. Obtaining medical care or mental health counseling for the covered individual or for the covered individual's family member to address physical or psychological injuries resulting from the act of violence, assault, sexual assault or stalking or act that would support an order for protection under Title 19-A, chapter 103; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

C. Making the covered individual's or the covered individual's family member's home secure from the perpetrator of the act of violence, assault, sexual assault or stalking or act that would support an order for protection under Title 19-A, chapter 103 or seeking new housing to escape the perpetrator; or [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

D. Seeking legal assistance to address issues arising from the act of violence, assault, sexual assault or stalking or act that would support an order for protection under Title 19-A, chapter 103 or attending and preparing for court-related proceedings arising from the act or crime. [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

27. Self-employed individual. "Self-employed individual" means an independent contractor as described in section 1043, subsection 11, paragraph E, a sole proprietor, a member of a limited liability company or limited liability partnership or an individual whose net profit or loss from a business must be reported to the Department of Administrative and Financial Services, Bureau of Revenue Services and who resides in the State.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

28. Serious health condition. "Serious health condition" means an illness, injury, impairment, pregnancy, recovery from childbirth or physical, mental or psychological condition that involves inpatient care in a hospital, hospice or residential medical care center or continuing treatment by a health care provider.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

29. Spouse. "Spouse" has the same meaning as in Title 18-C, section 1-201, subsection 54.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

30. State average weekly wage. "State average weekly wage" means the average weekly wage as published by the department for the State as a whole for the 12 most recently reported months.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

31. Wages. "Wages" includes, but is not limited to, salary, wages, tips, commissions and other compensation as determined by rule. For a self-employed individual who elects coverage under section 850-G, "wages" includes, but is not limited to, self-employment income as defined by 26 United States Code, Section 1402(b).

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

32. Weekly benefit amount. "Weekly benefit amount" means the amount of wage replacement paid to a covered individual on a weekly basis while the covered individual is on family leave or medical leave as provided in section 850-C.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

SECTION HISTORY

PL 2023, c. 412, Pt. AAA, §7 (NEW). PL 2023, c. 643, Pt. ZZZ, §§1, 2 (AMD).

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