

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

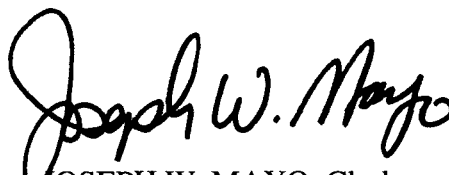
No. 2682

H.P. 1939

House of Representatives, April 7, 2000

**An Act to Provide Equal Treatment for State Employees under Certain
Federal Employment Laws.**

Reported by the Majority from the Joint Standing Committee on Judiciary pursuant to Joint
Order H.P. 1912.


JOSEPH W. MAYO, Clerk

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

4 **Sec. 1. 1 MRSA §30** is enacted to read:

5 **§30. Consent to be sued by state employees under certain federal**
6 **employment laws**

7 The State consents to be sued in state or federal court by
8 its employees, former employees and employment applicants seeking
9 to enforce rights or obtain remedies afforded by the following
10 federal laws when the United States Congress has indicated its
11 intent that such laws be applicable to the states in their
12 capacity as employers:

13 1. **Fair labor standards.** The Fair Labor Standards Act of
14 1938, 29 United States Code, Section 201 et seq.;

15 2. **Discrimination.** Title VII of the Civil Rights Act of
16 1964, 42 United States Code, Sections 2000e to 2000e-17;

17 3. **Age discrimination.** The Age Discrimination in
18 Employment Act, 29 United States Code, Section 621 et seq.;

19 4. **Disability.** The Americans with Disabilities Act of
20 1990, 42 United States Code, Section 12101 et seq.; and

21 5. **Maritime employees.** Federal law relating to suits for
22 injury or death of a seaman under 46 United States Code, Section
23 688.

24 This consent is given for the sole purpose described in this
25 section and does not constitute consent to be sued for any other
26 purpose, nor does it constitute a waiver of the State's
27 statutory, common law or constitutional immunity for any other
28 purpose.

29 **Sec. 2. Application.** This Act does not waive sovereign
30 immunity for any action that is pending or any action that has
31 been finally decided or in which final judgment has been entered
32 as of the effective date of this Act.

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35 **FISCAL NOTE**

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38 **44** This bill will increase the State's costs of insurance for
39 employment-related suits. The amount of the additional costs to
40 the State can not be determined at this time but are estimated to
41 range from \$700,000 to \$1,000,000 annually. These costs will be
42 assessed on state departments and agencies on a per employee

2 basis. The rates for insurance will be adjusted beginning in
fiscal year 2001-02.

4 This bill may increase the number of civil suits filed in
the court system. The additional workload and administrative
6 costs associated with the minimal number of new cases filed can
be absorbed within the budgeted resources of the Judicial
8 Department. The collection of additional filing fees may also
increase General Fund revenue by minor amounts.

10 The additional costs associated with representing the State
12 can be absorbed by the Department of the Attorney General
utilizing existing budgeted resources.

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SUMMARY

18 This bill is submitted by majority vote of the Joint
Standing Committee on Judiciary. It provides that the State
20 consents to be sued by its employees, former employees and
employment applicants under the federal Fair Labor Standards Act,
22 Title VII of the Civil Rights Act, the Age Discrimination in
Employment Act and federal law authorizing suit for injury or
24 death of a seaman.