

# MAINE STATE LEGISLATURE

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11/15

L.D. 1413

DATE: 5/12/15

(Filing No. H-348)

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**LABOR**

10 Reproduced and distributed under the direction of the Clerk of  
12 the House.

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION**

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18 COMMITTEE AMENDMENT "A" to H.P. 977, L.D. 1413, Bill, "An  
20 Act To Conform the Remedies under the Maine Family Medical Leave  
22 Requirements with Those Available under Federal Law"

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24 Amend the bill in section 1 in that part designated "~~§848.~~"  
26 by striking out all of subsection 2 and inserting in its place  
28 the following:

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'2. Additional damages. The court also may order the  
28 employer to pay an additional amount as liquidated damages equal  
30 to the amount awarded under subsection 1 if the employee proves  
32 to the satisfaction of the court that the employer's violation  
34 was willful.'

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**SUMMARY**

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36 This amendment removes the burden from an employer to prove  
38 that the employer has acted in good faith in order to avoid  
40 double damages, and instead places the burden on the employee to  
42 prove that the violation was willful for the employee to recover  
44 double damages.

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**FISCAL NOTE REQUIRED**  
(See attached)

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# 122nd MAINE LEGISLATURE

LD 1413

LR 1686(02)

**An Act To Conform the Remedies under the Maine Family Medical Leave Requirements with Those Available under Federal Law**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Labor**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

## Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system.

The collection of additional filing fees may increase General Fund revenue by minor amounts.