

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

---

Legislative Document

No. 1413

H.P. 977

House of Representatives, March 22, 2005

---

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

---

Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PELLETIER-SIMPSON of Auburn.  
Cosponsored by Representatives: ADAMS of Portland, BRYANT of Windham, FAIRCLOTH  
of Bangor, Speaker RICHARDSON of Brunswick, Senator: HOBBS of York.

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38

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

Sec. 1. 26 MRSA §848, as enacted by PL 1987, c. 661, is repealed and the following enacted in its place:

**§848. Judicial enforcement**

**1. Injunction and damages.** A civil action may be brought in the appropriate court by an employee against any employer to enforce this subchapter. The court may enjoin any act or practice that violates or may violate this subchapter and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce this subchapter. The court also may:

A. Award damages equal to the wages, salary, employment benefits or other compensation denied or lost to the employee by reason of the violation; or

B. Order the employer to pay liquidated damages of \$100 to the employee for each day that the violation continued.

**2. Additional damages.** The court also may order the employer to pay an additional amount as liquidated damages equal to the amount awarded under subsection 1 or 2, or less than the amount awarded under subsection 1 or 2 if the employer proves to the satisfaction of the court that the employer has acted in good faith and with reasonable grounds for believing that its actions were not illegal.

**3. Attorney's fees.** In any action brought pursuant to this section, in addition to any judgment awarded to the employee, the court shall award reasonable attorney's fees and other costs of the action to be paid by the employer.

**SUMMARY**

This bill expands the remedies available to employees alleging violations of the Maine family medical leave requirements to equal those available under federal law. The remedies include back pay, interest, attorney's fees and costs, liquidated double damages and equitable remedies.