

MAINE STATE LEGISLATURE

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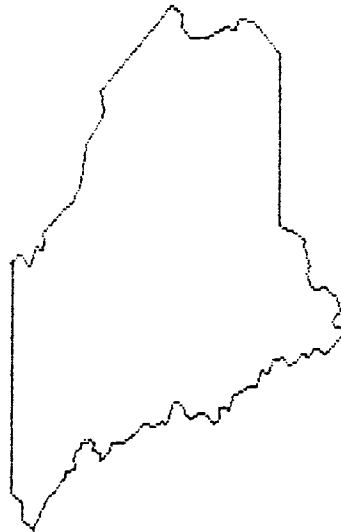


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STATE OF MAINE
ONE HUNDRED AND ELEVENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
Judiciary

BILL SUMMARY



JULY, 1983

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736 AN ACT TO PROTECT EMPLOYEES FROM Andrews PL 1983, c. 452
REPRISAL WHO REPORT OR REFUSE TO
COMMIT ILLEGAL ACTS

SUMMARY: The "Whistleblowers Protection Act" primarily protects employees from being fired for reporting suspected illegal conduct by his employer. The employee is protected if he reports what he reasonably believes to be a violation and if he acts in good faith. Before reporting the suspected violation to a public body the employee must generally first report to his employer and give the employer a reasonable opportunity to correct the violation. If the employee has a specific reason to believe that reporting first to his employer will not result in a prompt remedy of the violation he need not go to his employer before reporting to a public body. An employee is protected for refusal to carry out a directive only if it in fact violates the law and the violation risks the health or safety of the employee or another. The employee's remedy under the Act for reprisal because of reporting a violation consists of possible reinstatement, back pay, and reinstatement of fringe benefits and seniority rights. The Act also does not derogate any common law rights the employee might have to bring an action against his employer seeking other sorts of recovery.

751 AN ACT TO EXEMPT CLUSTERED SINGLE Soule PL 1983, c. 190
FAMILY SUBDIVISIONS FROM THE MAINE
CONDOMINIUM ACT

SUMMARY: Excludes clustered, detached, single family residence developments from the provisions of the Maine Condominium Act.

829 AN ACT TO AMEND THE MAINE TORT McGowan LV/WD
CLAIMS ACT

SUMMARY: Sought to extend liability under the Tort Claims Act so that governmental entities and their employees would be liable for tortious conduct by the employees in the performance of their discretionary duties in all instances except those involving damage to property, bodily injury, or death. Actions for libel or slander, for example, could then be maintained against governmental entities and their employees. Current law provides immunity for governmental entities and their employees for results of their discretionary acts. This bill drew interest from the Committee in reviewing the Tort Claims Act and such a study was proposed.

868 AN ACT REGARDING THE MOTOR VEHICLE Curtis PL 1983, c. 181
OFFENSES OF ELUDING A POLICE OFFICER
AND PASSING A ROAD BLOCK

SUMMARY: Increases the penalty for eluding a police officer or passing a roadblock from a Class C to a Class B crime if any person suffers serious bodily injury as a result thereof.