

# MAINE STATE LEGISLATURE

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L.D. 98

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(Filing No. H-85 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
112TH LEGISLATURE  
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "*A*" to H.P. 78, L.D. 98,  
Bill, "AN ACT Defining the Right of State Employees  
to Testify Before Legislative Committees."

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Amend the bill in that part designated "§21." in  
subsection 3 in the first and 2nd lines (page 2,  
lines 14 and 15 in L.D.) by striking out the under-  
lined words "vacation or"

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Further amend the bill in that part designated  
"§21." in subsection 3 in the 2nd line (page 2, line  
15 in L.D.) by striking out the word and punctuation  
"time," and inserting in their place the following:  
"time or authorized leave time,"

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Further amend the bill in that part designated  
"§21." in subsection 4 in the 2nd line (page 2, line  
18 in L.D.) by striking out the underlined words and  
figures "or chapter 71"

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Further amend the bill in that part designated  
"§25." in subsection 1 by striking out all of para-  
graphs A and B (page 3, lines 19 to 22 in L.D.) and  
inserting in their place the following:

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'A. Slander; and

B. Libel.'

Further amend the bill by striking out all of  
that part designated "§28." and inserting in its  
place the following:

'§28. Civil actions for injunctive relief or other  
remedies

A state employee who alleges a violation of his

COMMITTEE AMENDMENT "A" to H.P. 78, L.D. 98

1     rights under this chapter may bring a civil action,  
2     including an action for injunctive relief, within 120  
3     days after the occurrence of that alleged violation.  
4     The action may be brought in the Superior Court for  
5     the county where the alleged violation occurred, the  
6     county where the complainant resides or the county  
7     where the person against whom the civil complaint is  
8     filed resides.

9             An employee shall establish each and every ele-  
10            ment of his case by a preponderance of the evidence.'

11            Further amend the bill in that part designated  
12     "§31." in the 3rd line (page 5, line 10 in L.D.) by  
13     striking out the following: "a person" and inserting  
14     in its place the following: 'the State or respective  
15     bargaining agent'

16   STATEMENT OF FACT

17            The purposes of this amendment are to make some  
18     technical changes and clarifications in the bill.  
19     This amendment proposes to:

20            1. Exclude persons in policy-influencing posi-  
21     tions from the bill: Bureau directors; assistants to  
22     commissioners, etc;

23            2. Allow supervisors to restrict state employees  
24     from testifying before legislative committees when  
25     their presence at their job is absolutely necessary  
26     at that particular time;

27            3. Remove from the list of unprotected testimony  
28     statements relating to the personal style of supervi-  
29     sors. The phrase "personal style" is open to many  
30     interpretations, and state employees could be led to  
31     that issue and place themselves in jeopardy without  
32     realizing it;

COMMITTEE AMENDMENT "A" to H.P. 78, L.D. 98

1           4. Amend the injunctive relief procedure to al-  
2 low state employees to bring a civil action for in-  
3 junctive relief within 120 days following the  
4 supervisor's alleged violation of the law; and

5           5. Amend the evidence requirements for injunc-  
6 tive relief to allow the employee to obtain relief by  
7 meeting the standard requiring a preponderance of ev-  
8 idence.

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