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)

	FIRST REGULAR SESSION	
01/0	NE HUNDRED AND TWELFTH LEGI:	SLATURE
Legislative Do	cument	No. 21
H.P. 176	House of Represent	atives, January 29, 198
Reference t	o the Committee on Labor suggested a	nd ordered printed.
	E	DWIN H. PERT, Cler
Presented by Re	epresentative Beaulieu of Portland.	
	STATE OF MAINE	
И	IN THE YEAR OF OUR LORI	
AN A	CT to Increase Fairness to Compensation Claimants	
Be it enact follows:	ted by the People of the Sta	ate of Maine as
	A §111, as enacted by PL de the following enacted in	
§111. Disc	rimination; remedies	
to this Ac	crimination. No employer of t may discharge, have disclariminate against any employes testified or asserted a	harged or in any yee because the
discriminat	edies. Any employee who ded against because he has deim under this Act may eitle	testified or as-

A. Bring a civil action in the Superior Court for the county where the employee was or is employed by the defendant. If he prevails, the court may award the employee reinstatement of his previous job, payment of back wages and reestablishment of employee benefits to which he otherwise would have been entitled if he had not been discriminated against or discharged and any other damages caused by the discrimination or discharge. The court may also ward punitive damages. Any employee who prevails in such a civil action shall be awarded reasonable attorney's fees and costs to be determined by the court; or

B. File a petition with the commission alleging a violation of subsection 1. After this petition is filed, the matter shall be referred to a commissioner for a formal hearing under section 98, but any commissioner who has previously rendered any decision concerning the claim must be excluded. The commissioner may award the employee the reinstatement of his previous job, payment of back wages and reestablishment of employee benefits to which he otherwise would have been eligible if he had not been discriminated against or discharged. Any employee who prevails in such a complaint shall be awarded reasonable attorney's fees.

STATEMENT OF FACT

Present law allows a worker who has been discharged or discriminated against because he has exercised his rights under the Workers' Compensation Act to file a petition with the commission protesting that action. If he prevails in a hearing before the commission, he may be granted only his net back wages lost because of the discharge or discrimination.

This bill allows the injured worker to bring suit in Superior Court against his employer for the unfair discrimination. If he prevails, the court will award him reasonable attorney's fees and costs. In its discretion, the court may award reinstatement to the worker's previous job, payment of back wages and the

restoration of any employee benefits to which he would have been entitled if he had not been discriminated against. The court may also award punitive damages against the employer.

Secondly, the bill continues the present practice of allowing the worker injured by retaliatory discrimination or discharge to petition the Workers' Compensation Commission for a hearing, but the relief available to him is expanded. The commissioner who hears the case could now award the same relief as the Superior Court, except that court costs and punitive damages are not available.

13 0198011085