

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 719

7 H.P. 514

House of Representatives, February 26, 1985

8 Reference to the Committee on State Government is suggested and
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Connolly of Portland.
Cosponsored by Senator Andrews of Cumberland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Defining the Right of Employees of
18 Public Utilities to Testify before
19 Legislative Committees and the Public
20 Utilities Commission.
21

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

24 35 MRSA §21 is enacted to read:

25 §21. Testimony provided by employees of Public Util-
26 ities to legislative committees and to the Pub-
27 lic Utilities Commission

28 1. Definitions. As used in this chapter, unless
29 the context otherwise indicates, the following terms
30 have the following meanings.

31 A. "Legislative committee" means a joint stand-
32 ing committee of the Legislature, a joint select
33 committee of the Legislature, a task force, com-
34 mission or council or any other committee estab-

1 lished by the Legislature and composed wholly or
2 partly of Legislators for the purpose of conduct-
3 ing legislative business.

4 B. "Own time" means an employee's vacation or
5 personal time, earned as a condition of employ-
6 ment.

7 2. Right to provide testimony. Every employee of
8 a public utility has the right to represent himself
9 and to testify before a legislative committee or the
10 Public Utilities Commission on his own time. No em-
11 ployee of a public utility who complies with this
12 chapter may be denied the right to testify before a
13 legislative committee or the Public Utilities Commis-
14 sion.

15 3. Discharge of, threats to, or discrimination
16 against, employees of public utilities for testimony
17 presented to legislative committees or to the Public
18 Utilities Commission. A supervisor shall not dis-
19 charge, threaten or otherwise discriminate against an
20 employee of a public utility regarding the employee's
21 compensation, terms, conditions, location or privi-
22 leges of employment because the employee, in compli-
23 ance with this chapter, testifies before or provides
24 information to a legislative committee or to the Pub-
25 lic Utilities Commission regarding the operation of
26 the business of a public utility.

27 4. Civil actions for injunctive relief or other
28 remedies. An employee of a public utility who alleges
29 a violation of his rights under this chapter and who
30 has first made a reasonable effort to maintain or re-
31 store his rights through any grievance procedure or
32 similar process which may be available at his place
33 of employment, may bring a civil action, including an
34 action for injunctive relief, within 90 days after
35 the occurrence of that alleged violation or, if a
36 grievance procedure or similar process is used, with-
37 in 60 days after the grievance procedure or similar
38 process terminates. The action may be brought in the
39 Superior Court for the county where the alleged vio-
40 lation occurred, the county where the complainant re-
41 sides or the county where the person against whom the
42 civil complaint is filed resides.

1 An employee shall establish each and every element of
2 his case by a preponderance of the evidence.

3 5. Remedies ordered by court. A court, in ren-
4 dering a judgment in an action brought pursuant to
5 this chapter, may order reinstatement of the employ-
6 ee, the payment of back wages, full reinstatement of
7 fringe benefits and seniority rights or any combina-
8 tion of these remedies. A court may also award the
9 prevailing party all or a portion of the costs of
10 litigation, including reasonable attorneys' fees and
11 witness fees, if the court determines that the award
12 is appropriate.

13 6. Collective bargaining rights. This chapter
14 shall not be construed to diminish or impair the
15 rights of a person under any collective bargaining
16 agreement.

17 7. Jury trial; common-law rights. Any action
18 brought under this chapter may be heard by a jury.
19 Nothing in this chapter may be construed to derogate
20 any common-law rights of an employee.

21 STATEMENT OF FACT

22 The purpose of this bill is to provide protection
23 from discrimination by supervisors for employees of
24 public utilities who provide legislative committees
25 or the Public Utilities Commission with information
26 about utility operations.

27 This bill provides remedies for employees of pub-
28 lic utilities who suffer discriminatory acts in vio-
29 lation of the provisions in the bill. An employee may
30 bring a civil action, including injunctive relief,
31 within 90 days following the alleged violations.

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