

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 176, L.D. 210)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1221

8 H.P. 864

House of Representatives, April 9, 1985

9 Reported by Representative Hale from the Committee on Labor and
10 printed under Joint Rule 2. Original bill sponsored by Representative Beaulieu
of Portland.

11 EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Increase Fairness to Workers'
19 Compensation Claimants.
20

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

23 39 MRSA §111, as enacted by PL 1971, c. 190, is
24 amended to read:

25 §111. Discrimination

26 No employee shall be discriminated against by any
27 employer in any way for testifying or asserting any
28 claim under this Act. Any employer who so discrimi-
29 nates against any employee shall be liable to such
30 employee on petition before the commission and hear-
31 ing before the commission, for all net wages lost
32 suffered by such employee by reason of such discrimi-
33 nation. Any employee who is so discriminated against
34 may file a petition alleging a violation of this sec-
35 tion. The matter shall be referred to a commissioner

1 for a formal hearing under section 98, but any com-
2 missioner who has previously rendered any decision
3 concerning the claim must be excluded. If the employ-
4 ee prevails at this hearing, the commissioner may
5 award the employee reinstatement to his previous job,
6 payment of back wages, reestablishment of employee
7 benefits and reasonable attorneys' fees.

8 STATEMENT OF FACT

9 This new draft is intended to expand the remedies
10 currently available to an employee who is discrimi-
11 nated against because he has testified or filed a
12 claim under the Workers' Compensation Act. The origi-
13 nal bill provided for expanded remedies to be availa-
14 ble in either a court action or a petition before the
15 commission. This new draft has eliminated the provi-
16 sion allowing for direct court actions and requires
17 the employee to file a petition alleging discrimina-
18 tion with the commission. Any commissioner who has
19 previously been involved with the case from which the
20 alleged discrimination arose must be excluded from
21 the discrimination hearing. The remedies available to
22 a successful claimant include reinstatement to his
23 previous job, payment of back wages, reestablishment
24 of employee benefits and reasonable attorneys' fees.

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