

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 899

H.P. 666 House of Representatives, March 24, 1987  
Reference to the Committee on Labor suggested and ordered  
printed.

EDWIN H. PERT, Clerk  
Presented by Representative MICHAUD of East Millinocket.  
Cosponsored by Representatives PRIEST of Brunswick, CLARK  
of Millinocket and Senator USHER of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

**AN ACT to Clarify the Discrimination  
Provision of the Workers' Compensation  
Act so that Injured Workers may Pursue  
their Rights without Fear of  
Punishment by their Employers.**

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

**39 MRSA §111**, as amended by PL 1985, c. 118, is  
further amended to read:

§111. Discrimination

No employee ~~shall~~ may be discriminated against by  
any employer in any way for testifying or asserting  
any claim under this Act. Any employee who is so dis-  
criminated against may file a petition alleging a vi-

1 olation of this section. The matter shall be referred to a commissioner for a formal hearing under  
2 section 98, ~~but any commissioner who has previously rendered any decision concerning the claim must be~~  
3 ~~excluded.~~ If the employee prevails at this hearing,  
4 the commissioner may award the employee reinstatement  
5 to his previous job, payment of triple back wages and  
6 any other financial losses resulting from the  
7 discrimination, reestablishment of employee benefits  
8 and reasonable ~~attorneys'~~ attorneys' fees.

9  
10  
11 An employer discriminates against an employee under this section if the employer threatens or takes  
12 any action against an employee which would have a  
13 tendency to discourage the employee or other employees from reporting work-related injuries, seeking  
14 medical attention or pursuing any other benefits provided by this Act. It shall not be a defense to a  
15 charge of discrimination under this section that the threatened action or action by an employer was done  
16 without a retaliatory motive. Any threatened action or action by an employer, which has a tendency to  
17 chill or discourage the exercising of any rights or obtaining of any benefits provided by this Act, shall  
18 be discrimination under this section.  
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25 STATEMENT OF FACT

26 The present law permits employers to discriminate  
27 against injured workers by suspending, firing, taking  
28 away benefits and otherwise punishing injured workers  
29 who merely report injuries, seek medical attention  
30 for their injuries and other benefits provided by the  
31 Workers' Compensation Act as long as the employer  
32 does not discriminate with a retaliatory motive. The  
33 purpose of this change is to eliminate the inequities  
34 existing in the present law so that employees requiring  
35 the benefits provided by the Workers' Compensation  
36 Act will be able to exercise their rights without  
37 the fear of punishment by their employers.

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