

# MAINE STATE LEGISLATURE

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R. 213

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L.D. 2469

(Filing No. S- 396 )

STATE OF MAINE  
SENATE  
113TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 936, L.D. 2469,  
Bill, "AN ACT to Promote Greater Workplace Safety."

Amend the bill in section 3 in paragraph E-1 in  
the first line (page 6, line 16 in L.D.) by striking  
out the following: "Programs" and inserting in its  
place the following: 'The development and  
administration of programs'

Further amend the bill in section 4 in that part  
designated "§833." in subsection 1 by striking out all  
of paragraph D and inserting in its place the  
following:

'D. The employee acting in good faith, has  
refused to carry out a directive that would expose  
the employee or any individual to a condition that  
would result in serious injury or death, after  
having sought and been unable to obtain a  
correction of the dangerous condition from the  
employer.'

Further amend the bill by inserting after section  
4 the following:

'Sec. 5. 26 MRSA §834, as amended by PL 1983,  
c. 816, Pt. A, §18, is repealed.

Sec. 6. 26 MRSA §834-A is enacted to read:

§834-A. Arbitration before the Maine Human Rights  
Commission

COMMITTEE AMENDMENT "A " to S.P. 936, L.D. 2469

1        An employee who alleges a violation of that  
2 employee's rights under section 833, and who has  
3 complied with the requirements of section 833,  
4 subsection 2, may bring a complaint before the Maine  
5 Human Rights Commission for action under Title 5,  
6 section 4612.'

7        Further amend the bill in section 5 in that part  
8 designated "§839." in subsection 2 in paragraph B in  
9 the last line (page 8, line 11 in L.D.) by striking  
10 out the following: "violations" and inserting in its  
11 place the following: "a violation, condition or  
12 practice'

13        Further amend the bill by inserting at the end  
14 before the statement of fact the following:

15        'Sec. 6. 26 MRSA §840, as reallocated by PL  
16 1983, c. 583, §15, is repealed and the following  
17 enacted in its place:

18        §840. Common-law rights

19        Nothing in this section may be construed to  
20 derogate any common-law rights of an employee.

21        **Sec. 7. Appropriation.** The following funds are  
22 appropriated from the General Fund to carry out the  
23 purposes of this Act.

24		<u>1988-89</u>
25	<u>LABOR, DEPARTMENT OF</u>	
26	Regulation and Enforcement	
27	All Other	\$8,300
28	<u>MAINE HUMAN RIGHTS COMMISSION</u>	
29	Personal Services	\$25,975
30	All Other	2,393
31	Capital Expenditures	368

COMMITTEE AMENDMENT " A " to S.P. 936, L.D. 2469

1 Provides funds for one  
2 investigator to handle  
3 additional caseload.

4  
5 Total \$28,736

6  
7 TOTAL APPROPRIATIONS \$37,036'

8 Further amend the bill by renumbering the sections  
9 to read consecutively.

10 STATEMENT OF FACT

11 This amendment corrects several technical errors  
12 and clarifies that a 2-step procedure to enforce  
13 violations will be used. The Maine Human Rights  
14 Commission will require employers and employees to go  
15 through an arbitration and negotiation process before  
16 a matter is brought to court.

17 This amendment also sets up a 2-pronged test for  
18 when an employee, after refusing to carry out a  
19 directive for health and safety reasons, has recourse  
20 under the Whistleblower's Act.

21 5264033188

Reported by Senator Andrews for the Committee on Labor.  
Reproduced and Distributed Pursuant to Senate Rule 12.  
(4/4/88) (Filing No. S-396)