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H.P. 1471

House of Representatives, December 29, 1989

Submitted by the Department of Labor pursuant to Joint Rule 24. Received by the Clerk of the House on December 29, 1989. Referred to the Committee on Labor and 1600 ordered printed pursuant to Joint Rule 14.

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EDWIN H. PERT, Clerk

Presented by Representative REED of Falmouth. Cosponsored by Senator WHITMORE of Androscoggin and Representative PINEAU of Jay.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Limit the Effect of Collateral Estoppel on Unemployment Insurance Decisions. Be it enacted by the People of the State of Maine as follows:

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26 MRSA §1194, sub-§12 is enacted to read:

12. Collateral estoppel. Except for proceedings under this
6 chapter, no finding of fact or conclusion of law contained in a decision of a deputy, an administrative hearing officer, the
8 Unemployment Insurance Commission or a court, obtained under this chapter, has preclusive effect in any other action or proceeding.
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This provision applies to decisions issued as of the effective date of this subsection.

STATEMENT OF FACT

The purpose of this bill is to ensure that a hearing before the Department of Labor over unemployment benefits does not become the battleground for winning or losing other legal claims. These claims include, but are not limited to, human rights violations and wrongful discharge. At least one Superior Court case, <u>Howard v. Charles Eaton, Inc., et al., Androscoggin Superior Court No. CV-82-29 (February 25, 1985)</u>, has held that if a claimant loses an unemployment claim before the department, the claimant has also lost the wrongful discharge claim.

This bill will not limit an individual's right to bring a legal action in any other forum that the individual believes will protect and vindicate that individual's rights.