

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2184

H.P. 1577

House of Representatives, January 11, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

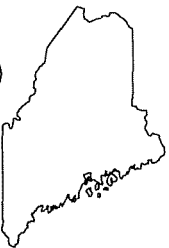
Presented by Representative HUSSEY of Milo.

Cosponsored by Representative TARDY of Palmyra, Representative McHENRY of Madawaska and Representative RUHLIN of Brewer.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Regarding Written Notice to Employees of Layoff or Termination.



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

26 MRSA §630, as amended by PL 1979, c. 175, is repealed and the following enacted in its place:

§630. Written notice of discharge or layoff

1. Notice of discharge or layoff. When an employer discharges or lays off an employee, the employer shall notify that employee in writing whether the employee's employment has been terminated or the employee has been laid off subject to recall. The employer shall attempt to deliver this notice to the employee on or before the employee's last day of employment with that employer.

A. If the notice cannot be delivered by the employee's last day of employment, the employer shall either hand deliver the notice to the employee or mail the notice on the next business day to the employee at the employee's last known address.

B. If an employee who was laid off is subsequently discharged before returning to work with the same employer, the employer shall notify that employee of the discharge by mailing the notice to the employee's last known address as soon as possible.

2. Reasons for discharge. If an employee, within 15 days after receiving a notice of discharge under subsection 1, makes a written request for the reasons for the discharge, an employer shall notify that employee of the reasons for the discharge. This notice shall be provided to the employee in writing within 15 days after the employer receives the request.

3. Application. This section does not apply to any employee who voluntarily leaves employment with an employer.

4. Penalty; enforcement. An employer who fails to comply with this section commits a civil violation for which a forfeiture of not less than \$50 nor more than \$500, payable to the affected employee, must be adjudged. An affected employee may file an action to enforce this subsection. If the employee prevails in that action, the employer shall pay to the employee, in addition to the forfeiture determined by the court, an amount determined by the court for the employee's attorney fees and court costs.

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STATEMENT OF FACT

This bill expands the notice requirements regarding the discharge of an employee by requiring an employer to give written notice to an employee when the employee is discharged or laid off. This notice will eliminate an employee's uncertainty regarding the employee's employment status with the employer. The bill retains and clarifies those provisions of current law that require an employer to provide a discharged employee with the reasons for that discharge upon request. Finally, the bill retains the penalty provisions of existing law but makes the fine payable to the affected employee as damages. The bill also authorizes an affected employee to file a civil action to recover the fine and litigation costs if the employee prevails in that action. This is necessary due to the Law Court's decision in Larrabee v. Penobscot Frozen Foods, Inc., 486 A.2d 97 (Me. 1984), which found that a private right of action did not exist under the law.