MAINE STATE LEGISLATURE

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114th WAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2403

H.P. 1739

House of Representatives, March 5, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Preserve the Rights of Certain Litigants in Whistleblower Suits.

ear (AFTER DEADLINE) And the same specified

(EMERGENCY) of deliver for the control of the contr

(Illinia), Auril (Parl)

	Emergency preamble. Whereas, Acts of the Legislature do not
2	become effective until 90 days after adjournment unless enacted as emergencies; and
4	Whereas, Public Law 1987, chapter 782 took effect on August
6	4, 1988; and
8	Whereas, the enactment of that law may be construed to have extinguished certain rights held by litigants who had commenced a
10	lawsuit before August 4, 1988, including the right to a jury
12	trial, to an award of attorney's fees and to obtain specified remedies; and
14	Whereas, this Act clarifies the law to ensure that those preexisting rights are preserved; and
16	WW/II- or
18	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately
20	necessary for the preservation of the public peace, health and safety; now, therefore,
22	Posit amounted by the Doople of the State of Maine of follows:
24	Be it enacted by the People of the State of Maine as follows:
26	26 MRSA §840, as repealed and replaced by PL 1987, c. 782, §9, is amended to read:
28	§840. Common-law rights
30	Any action brought under this subchapter prior to August 4, 1988 may be heard by a jury. Nothing in this subchapter may be
32	construed to derogate any procedural or remedial rights of an
34	employee who brought a civil action under former sections 834 and 835 prior to August 4, 1988. Nothing in this section may be construed to derogate any common-law rights of an employee.
36	
38	Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.
40	
-0	STATEMENT OF FACT
42	This bill clarifies that the substantive and procedural
44	rights conferred by the Maine Revised Statutes, Title 26, former
46 .	sections 834, 835 and 840 applies to lawsuits pending before the effective date of this legislation which repealed sections 834 and 835 and which modified section 840.