

MAINE STATE LEGISLATURE

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L.D. 677

DATE: *May 21, 1987*

(Filing No. S-300)

LABOR

Reported by: *Majority*

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 218, L.D. 677, Bill, "An Act Regarding the Penalty for Failure to Allow a Terminated Employee to Review Certain Files"

Amend the bill in section 1 in that part designated "**§631.**" in the first paragraph in the 19th to 21st lines (page 1, lines 26 to 28 in L.D.) by striking out the following: "payable to the employee or former employee of \$25 \$50 for each day that a failure continues. The total forfeiture may not exceed \$500." and inserting in its place the following: 'of \$25 for each day that a failure continues. The total forfeiture may not exceed \$500.'

Further amend the bill in section 1 in that part designated "**§631.**" in the first paragraph in the 23rd and 24th lines (page 1, lines 30 and 31 in L.D.) by striking out the following: "to recover the civil forfeiture provided to the employee or former employee by this section and"

Further amend the bill in section 1 in that part designated "**§631.**" in the first paragraph in the 25th line (page 1, line 32 in L.D.) by striking out the following: "other"

Further amend the bill in section 1 in that part designated "**§631.**" in the first paragraph in the 28th line (page 1, line 35 in L.D.) by inserting after the following: "fee" the following: 'if the employee receives a judgment in the employee's favor'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

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This bill may increase the number of civil suits filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional filing fees may also increase General Fund revenue by minor amounts.'

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SUMMARY

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This amendment eliminates the following provisions in the original bill:

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1. That the civil forfeiture be payable directly to the employee or former employee;

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2. The increase in the amount of the forfeiture for each day that a violation continues from \$25 to \$50; and

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3. That the employee be authorized to bring a civil suit to recover the forfeiture.

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The amendment restores the \$500 cap on the total forfeiture and restricts the recovery of costs of suit and reasonable attorney's fees from an employer to those suits in which the employee receives a judgment in the employee's favor.