

MAINE STATE LEGISLATURE

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L.D. 1018

DATE: May 15, 1997

(Filing No. S-S-236)

LABOR

Reported by: Majority

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

COMMITTEE AMENDMENT " A " to S.P. 309, L.D. 1018, Bill, "An Act to Strengthen the Sanctions for Failure to Respond to an Employee's Request for Reason for Termination of Employment"

Amend the bill in section 1 in that part designated "**§630.**" in the 7th to 9th lines (page 1, lines 13 to 15 in L.D.) by striking out the following: "~~subject to a forfeiture of not less than \$50 nor more than \$500~~ ordered to pay liquidated damages to the employee of \$50 for each day the violation continues" and inserting in its place the following: 'subject to a forfeiture of not less than \$50 nor more than \$500'

Further amend the bill in section 1 in that part designated "**§630.**" in the 10th and 11th lines (page 1, lines 16 to 17 in L.D.) by striking out the following: "to recover the liquidated damages provided to the employee by this section and"

Further amend the bill in section 1 in that part designated "**§630.**" in the 12th line (page 1, line 18 in L.D.) by striking out the following: "other"

Further amend the bill in section 1 in that part designated "**§630.**" in the 3rd line from the end (page 1, line 21 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

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.'

SUMMARY

This amendment restores the \$50 forfeiture and \$500 total cap on forfeitures that are repealed by the original bill. This amendment eliminates the provision in the original bill that the employer be ordered to pay liquidated damages of \$50 per day to the employee and that the employee be authorized to recover the liquidated damages in a civil suit. The employee's civil remedy is limited to injunctive relief. Finally, the provision in the original bill allowing the employee to recover costs of suit and reasonable attorney's fees from the employer is limited to suits in which the employee receives a judgment in the employee's favor.