

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1224

DATE: 5-4-01

(Filing No. H-319)

LABOR

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 910, L.D. 1224, Bill, "An Act to Provide Public Employees Equal Access to Personnel Files"

Amend the bill in section 1 by striking out all of that part designated "§630." and inserting in its place the following:

§630. Written statement of reason for termination of employment

An employer shall, upon written request of the affected employee, give that employee the written reasons for the termination of that person's employment. An employer who fails to satisfy this request within 15 days of receiving it may be subject to a forfeiture of not less than \$50 nor more than \$500. An employee, former employee or the Department of Labor may bring an action in the District Court or the Superior Court to recover that forfeiture on behalf of the State and for such equitable relief, including an injunction, as the court may consider to be necessary and proper. The employer may also be required to reimburse the employee, former employee or department for the costs of suit, including a reasonable attorney's fee if the employee person or entity bringing suit receives a judgment in the employee's that person's or entity's favor. This section ~~does not apply to public employees in proceedings governed by Title 1, section 405~~ applies to all employers and employees, private and public, including but not limited to the State and any political subdivision, agency or instrumentality of the State.

Further amend the bill in section 2 by striking out all of the first indented paragraph (page 1, lines 27 and 28 in L.D.) and inserting in its place the following:

COMMITTEE AMENDMENT

AWS

2 'This section applies to all employers and employees,
3 private and public, including but not limited to the State and
4 any political subdivision, agency or instrumentality of the
5 State.'

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

10 **FISCAL NOTE**

12 The additional costs associated with certain enforcement
13 activities can be absorbed by the Department of Labor, Regulation
14 and Enforcement program utilizing existing budgeted resources.
15 In addition, the amendment raises the possibility of future
16 undedicated General Fund revenue of an indeterminate amount.'

18 **SUMMARY**

20 This amendment clarifies that the State is subject to the
21 requirements for providing written reasons for termination for
22 all employees and a right to review personnel records. It also
23 provides that the Department of Labor may bring an action to
24 enforce the requirement for written reasons for termination. It
25 also adds a fiscal note to the bill.
26