

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 415

H.P. 323

House of Representatives, February 4, 2003

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### An Act To Restore Federal Protections to Maine State Employees

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative RICHARDSON of Brunswick.  
Cosponsored by Senator TREAT of Kennebec and  
Representatives: BULL of Freeport, COWGER of Hallowell, DUPLESSIE of Westbrook,  
HATCH of Skowhegan, LERMAN of Augusta, NORBERT of Portland, THOMPSON of  
China, Senator: MAYO of Sagadahoc.

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

Sec. 1. 1 MRSA §30 is enacted to read:

**§30. Consent to be sued by state employees under certain federal employment laws**

The State consents to be sued in state or federal court by its employees, former employees and employment applicants seeking to enforce rights or obtain remedies afforded by the following federal laws when the United States Congress has indicated its intent that such laws be applicable to the states in their capacity as employers:

1. Fair labor standards. The Fair Labor Standards Act of 1938, 29 United States Code, Section 201 et seq.;

2. Discrimination. Title VII of the Civil Rights Act of 1964, 42 United States Code, Sections 2000e to 2000e-17;

3. Age discrimination. The Age Discrimination in Employment Act, 29 United States Code, Section 621 et seq.;

4. Disability. The Americans with Disabilities Act of 1990, 42 United States Code, Section 12101 et seq.; and

5. Maritime employees. Federal law relating to suits for injury or death of a seaman under 46 United States Code, Section 688.

This consent is given for the sole purpose described in this section and does not constitute consent to be sued for any other purpose, nor does it constitute a waiver of the State's statutory, common law or constitutional immunity for any other purpose.

**Sec. 2. Application.** This Act does not waive sovereign immunity for any action that is pending or any action that has been finally decided or in which final judgment has been entered as of the effective date of this Act.

**SUMMARY**

This bill provides that the State consents to be sued by its employees, former employees and employment applicants under the federal Fair Labor Standards Act, Title VII of the Civil Rights Act, the Age Discrimination in Employment Act and federal law authorizing suit for injury or death of a seaman.