

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1425

H.P. 1044

House of Representatives, March 25, 2003

An Act Relating to the Protection of Whistleblowers

Submitted by the Maine Human Rights Commission pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SIMPSON of Auburn.
Cosponsored by Senator PENDLETON of Cumberland and
Representatives: BULL of Freeport, DUPLESSIE of Westbrook, MILLS of Farmington,
NORBERT of Portland, RICHARDSON of Brunswick, SHERMAN of Hodgdon, SMITH of
Van Buren, Senator: EDMONDS of Cumberland.

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

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4 **Sec. 1. 26 MRSA §833, sub-§1, ¶D**, as enacted by PL 1987, c.
782, §4, is amended to read:

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8 D. The employee acting in good faith, has refused to carry
out a directive to engage in activity that the employee has
reasonable cause to believe is a violation of a law or rule
10 adopted under the laws of this State, a political
subdivision of this State or the United States or that would
12 expose the employee or any individual to a condition that
would result in serious injury or death, after having sought
14 and been unable to obtain a correction of the illegal
activity or dangerous condition from the employer.

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SUMMARY

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20 This bill provides protection for an employee who is
retaliated against because the employee has refused to carry out
22 a directive of the employer that the employee has reasonable
cause to believe compels the employee to violate the law. The
Law Court has held that the existing statutory language protects
24 only those employees who refuse to carry out a directive that
would result in serious injury or death, see Devoid v. Clair
26 Buick Cadillac, Inc., 699 A. 2d 749 (Me. 1996). The bill is
intended to correct the problem noted by the Law Court.