

MAINE STATE LEGISLATURE

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RCS

L.D. 1924

DATE: 4-10-06

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LABOR

Reported by: *Minority*

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 724, L.D. 1924, Bill, "An Act To Protect Workers from Political or Religious Intimidation"

Amend the bill by striking out the title and substituting the following:

'An Act To Protect Workers from Political Intimidation'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 26 MRSA c. 7, sub-c. 11 is enacted to read:

SUBCHAPTER 11

EMPLOYMENT ACTION BASED ON
POLITICAL VIEWS

§878. Employment action based on political views

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employer" means any public or private employer.

B. "Political matter" means:

(1) Party affiliation;

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- 2 (2) Support for or opposition to a candidate for, or a
 holder of, public office;
- 4 (3) A partisan or nonpartisan public policy issue
6 presented for the vote of the electors in the form of a
 constitutional amendment, a new or amended law or the
8 repeal of a law; or
- 10 (4) Support for or opposition to joining any lawful
 political or labor organization.

12 **2. Employment action based on political views prohibited.**
14 An employer may not take an adverse employment action against an
 employee because the employee:

- 16 A. Refuses to attend an employer-sponsored meeting, the
18 primary purpose of which is to communicate the employer's
 opinion about a political matter; or
- 20 B. Refuses to participate in any communication, the primary
22 purpose of which is to communicate the employer's opinion
 about a political matter.

24 **3. Retaliation for reporting violations prohibited.** An
26 employer may not demote, suspend, lay off, discharge or otherwise
 penalize or threaten to penalize an employee because the
28 employee, or a person acting on behalf of the employee, makes a
 good faith report, orally or in writing, of a violation or a
30 suspected violation of this section.

32 **4. Remedies.** An employee who alleges a violation of that
34 employee's rights under this section may bring a complaint before
 the Maine Human Rights Commission for action under Title 5,
36 section 4612, as long as the employee has first brought the
 alleged violation to the attention of a person having supervisory
38 authority with the employer and has allowed the employer a
 reasonable opportunity to correct that violation. Prior notice
40 to an employer is not required if the employee has specific
 reason to believe that reports to the employer will not result in
 a prompt correction of the violation.

42 **5. Exceptions.** This section does not prohibit an employer
44 from taking employment action when political beliefs or
 communications are a bona fide part of the employee's job
46 responsibilities.

48 **6. Rights preserved.** This section does not limit an
 employee's right to bring action under any other common law or
50 statute relating to employment. This section does not diminish
 or impair the rights of a person under a collective bargaining

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2 agreement. This section does not prohibit an employer from
3 banning political speech in the workplace during work hours.
4 This section may not be construed to diminish or impair the
5 rights of either employers or employees under the National Labor
6 Relations Act, 29 United States Code, Section 151 et seq.

7 **Sec. 2. Appropriations and allocations.** The following
8 appropriations and allocations are made.

10 **MAINE HUMAN RIGHTS COMMISSION**

12 **Human Rights Commission - Regulation 0150**

14 Initiative: Appropriates funds for one Field Investigator
15 position and general operating expenses to carry out the purposes
16 of this Act.

18	GENERAL FUND	2005-06	2006-07
	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
20	Personal Services	\$0	\$66,554
	All Other	\$0	\$4,164
22		<hr/>	<hr/>
24	GENERAL FUND TOTAL	\$0	\$70,718'

26 **SUMMARY**

28 This amendment, which is the minority report of the Joint
29 Standing Committee on Labor, removes the reference to religious
30 intimidation from the title of the bill and subchapter, section
31 and subsection headings. The amendment deletes prohibitions on
32 employment actions based on religious views. The amendment
33 removes a reference to joining lawful social or community
34 organizations as part of the definition of a political matter and
35 takes out a prohibition against employer action based on support
36 of a political view or position. It deletes subsections
37 providing for a violation and enforcement and substitutes for
38 them a subsection authorizing employee complaints to the Maine
39 Human Rights Commission for violations of the section. Finally,
40 the amendment clarifies that an employer may restrict political
41 speech in the workplace during work hours and that the bill is
42 not intended to infringe on rights under the National Labor
43 Relations Act. It also adds an appropriations and allocations
44 section.

46 **FISCAL NOTE REQUIRED**
48 (See attached)



122nd MAINE LEGISLATURE

LD 1924

LR 2795(03)

An Act To Protect Workers from Political or Religious Intimidation

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Labor

Fiscal Note Required: Yes

Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund	\$0	\$70,718	\$73,193	\$75,755
Appropriations/Allocations				
General Fund	\$0	\$70,718	\$73,193	\$75,755

Fiscal Detail and Notes

This legislation includes a General Fund appropriation of \$70,718 in fiscal year 2006-07 to the Maine Human Rights Commission to provide funds for one Field Investigator position and general operating expenses to carry out the purposes of this act.

Any additional costs associated with the Department of the Attorney General can be absorbed utilizing existing budgeted resources.