

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1924

S.P. 724

In Senate, January 4, 2006

An Act To Protect Workers from Political or Religious Intimidation

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President EDMONDS of Cumberland.
Cosponsored by Representative SMITH of Van Buren and
Senators: BARTLETT of Cumberland, BRYANT of Oxford, SCHNEIDER of Penobscot,
STRIMLING of Cumberland, SULLIVAN of York, Representatives: PATRICK of Rumford,
PINEAU of Jay.

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

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

6 **SUBCHAPTER 11**

8 **EMPLOYMENT ACTION BASED ON
POLITICAL OR RELIGIOUS VIEWS**

10 **§878. Employment action based on political or religious views**

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

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

18 **B. "Political matter" means:**

20 **(1) Party affiliation;**

22 **(2) Support for or opposition to a candidate for, or a**
holder of, public office;

24 **(3) A partisan or nonpartisan public policy issue**
26 **presented for the vote of the electors in the form of a**
28 **constitutional amendment, a new or amended law or the**
repeal of a law; or

30 **(4) Support for or opposition to joining any lawful**
32 **political, social, community or labor organization.**

34 **2. Employment action based on political or religious views**
prohibited. An employer may not directly or indirectly appoint,
36 demote, suspend, lay off, discharge or in any manner change the
38 official rank or compensation of an employee or promise or
threaten to take any such action or harass, discipline or coerce
an employee because the employee:

40 **A. Gives support to or refuses to give support to any view**
42 **or position on a religious or political matter;**

44 **B. Attends or refuses to attend an employer-sponsored**
meeting, the primary purpose of which is to communicate the
46 **employer's opinion about a religious or political matter; or**

48 **C. Participates in or refuses to participate in any**
communication, the primary purpose of which is to
50 **communicate the employer's opinion about a religious or**
political matter.

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

8 4. Exceptions. This section does not prohibit an employer
9 from taking employment action when religious or political beliefs
10 or communications are a bona fide part of the employee's job
11 responsibilities.

12 5. Violation. An employer who violates this section
13 commits a civil violation for which a fine of not less than \$100
14 nor more than \$500 for each violation may be adjudged.

15 6. Enforcement. An aggrieved employee may bring a civil
16 action to enforce this section in the Superior Court having
17 jurisdiction where the violation is alleged to have occurred or
18 where the employer has its principal office. The court may award
19 a prevailing employee all appropriate relief, including
20 injunctive relief, rehiring or reinstatement of the employee to
21 the employee's former position, back pay and reestablishment of
22 any employee benefits to which the employee would otherwise have
23 been eligible if the violation had not occurred. The court shall
24 award a prevailing employee treble damages, together with
25 reasonable attorney's fees and costs.

26 7. Rights preserved. This section does not limit an
27 employee's right to bring action under any other common law or
28 statute relating to employment. This section does not diminish
29 or impair the rights of a person under a collective bargaining
30 agreement.

32 SUMMARY

33 This bill prohibits an employer from discriminating in
34 employment matters on the basis of an employee's support or
35 opposition to the employer's political or religious views or the
36 employee's willingness or refusal to participate in meetings or
37 communication related to the employer's political or religious
38 views.