

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 81

S.P. 29

In Senate, January 20, 2015

An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative TUCKER of Brunswick and
Senators: ALFOND of Cumberland, DUTREMBLE of York, GERZOFISKY of Cumberland,
Representatives: BRYANT of Windham, DeCHANT of Bath, MARTIN of Eagle Lake,
MASTRACCIO of Sanford, PETERSON of Rumford.

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

2 **Sec. 1. 39-A MRSA §311, sub-§1, ¶¶E and F**, as enacted by PL 1991, c. 885,
3 Pt. A, §8 and affected by §§9 to 11, are amended to read:

4 E. The taking of unfair advantage of an employee's physical, mental or economic
5 problems or shortcomings; ~~and~~

6 F. Interrogations or investigations conducted under such circumstances as to be
7 severely intimidating to the employee; and

8 **Sec. 2. 39-A MRSA §311, sub-§1, ¶G** is enacted to read:

9 G. Continued questioning by an investigator, employer or employer's representative
10 of an employee after that employee requests that a representative of the employee's
11 choice be present during the questioning and that request is denied; this paragraph
12 applies, without limitation, to questions regarding the employee's ability to work and
13 job modifications.

14 **SUMMARY**

15 This bill expands the list of statements that are inadmissible in proceedings under the
16 Maine Workers' Compensation Act of 1992 to include statements obtained after
17 continued questioning of an employee by an investigator, employer or an employer's
18 representative after that employee's request to have a representative of the employee's
19 choice present has been denied.