

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1338

H.P. 989

House of Representatives, March 30, 2021

An Act To Protect Employees' Exercise of Workplace Rights

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MILLETT of Cape Elizabeth.
Cosponsored by Representatives: CUDDY of Winterport, GERE of Kennebunkport,
PEBWORTH of Blue Hill, ROEDER of Bangor, Senator: MIRAMANT of Knox.

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

2 **Sec. 1. 26 MRSA §847**, as enacted by PL 1987, c. 661, is repealed.

3 **Sec. 2. 26 MRSA §848**, as repealed and replaced by PL 2005, c. 228, §1, is repealed.

4 **Sec. 3. 26 MRSA c. 7, sub-c. 13** is enacted to read:

5 **SUBCHAPTER 13**

6 **PROHIBITED ACTS AND JUDICIAL ENFORCEMENT**

7 **§880. Prohibited acts**

8 Notwithstanding any provision of this chapter to the contrary, an employer may not:

9 **1. Unlawful interference or denial of rights.** Interfere with, restrain or deny the
10 exercise of or the attempt to exercise any right provided by this chapter, including those
11 listed in subsection 2;

12 **2. Unlawful discrimination against exercise of rights.** Discharge, fine, suspend,
13 expel, discipline or in any other manner discriminate against an employee for exercising
14 any right provided by this chapter. Such rights include but are not limited to the right to
15 request to exercise any rights within this chapter; the right to file a complaint with the
16 Department of Labor or courts or to inform any person about an employer's alleged
17 violation of any part of this chapter; the right to participate in an investigation, hearing or
18 proceeding or to cooperate with or assist the Department of Labor in its investigations of
19 alleged violations of any part of this chapter; and the right to inform any person of the
20 person's potential rights under this chapter; and

21 **3. Unlawful discrimination against opposition.** Discharge, fine, suspend, expel,
22 discipline or in any other manner discriminate against any employee for opposing any
23 practice made unlawful by this chapter.

24 **§880-A. Judicial enforcement**

25 **1. Injunction and damages.** A civil action may be brought in the appropriate court
26 by an employee against any employer to enforce this chapter. The court may enjoin any act
27 or practice that violates or may violate this chapter and may order any other equitable relief
28 that is necessary and appropriate to redress the violation or to enforce this chapter. The
29 court may also:

30 A. Award damages equal to the wages, salary, employment benefits or other
31 compensation denied or lost to the employee by reason of the violation; or

32 B. Order the employer to pay liquidated damages of \$100 to the employee for each
33 day that the violation continued.

34 **2. Additional damages.** The court may also order the employer to pay an additional
35 amount as liquidated damages equal to the amount awarded under subsection 1 if the
36 employee proves to the satisfaction of the court that the employer's violation was willful.

