

Title 26: LABOR AND INDUSTRY
Chapter 7: EMPLOYMENT PRACTICES

Subchapter 5-B: PROTECTION OF EMPLOYEES WHO REPORT OR REFUSE TO COMMIT
ILLEGAL ACTS

§833. Discrimination against certain employees prohibited

(REALLOCATED FROM TITLE 26, SECTION 823)

1. Discrimination prohibited. No employer may discharge, threaten or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because:

A. The employee, acting in good faith, or a person acting on behalf of the employee, reports orally or in writing to the employer or a public body what the employee has reasonable cause to believe is a violation of a law or rule adopted under the laws of this State, a political subdivision of this State or the United States; [PL 1987, c. 782, §4 (NEW).]

B. The employee, acting in good faith, or a person acting on behalf of the employee, reports to the employer or a public body, orally or in writing, what the employee has reasonable cause to believe is a condition or practice that would put at risk the health or safety of that employee or any other individual. The protection from discrimination provided in this section specifically includes school personnel who report safety concerns to school officials with regard to a violent or disruptive student; [PL 1999, c. 351, §7 (AMD).]

C. The employee is requested to participate in an investigation, hearing or inquiry held by that public body, or in a court action; [PL 2003, c. 306, §1 (AMD).]

D. The employee acting in good faith has refused to carry out a directive to engage in activity that would be a violation of a law or rule adopted under the laws of this State, a political subdivision of this State or the United States or that would expose the employee or any individual to a condition that would result in serious injury or death, after having sought and been unable to obtain a correction of the illegal activity or dangerous condition from the employer; or [PL 2003, c. 688, Pt. A, §27 (RPR).]

E. The employee, acting in good faith and consistent with state and federal privacy laws, reports to the employer, to the patient involved or to the appropriate licensing, regulating or credentialing authority, orally or in writing, what the employee has reasonable cause to believe is an act or omission that constitutes a deviation from the applicable standard of care for a patient by an employer charged with the care of that patient. For purposes of this paragraph, "employer" means a health care provider, health care practitioner or health care entity as defined in Title 24, section 2502 ([./24/title24sec2502-1.html](http://24/title24sec2502-1.html)). [PL 2003, c. 306, §2 (NEW).]

[PL 2003, c. 688, Pt. A, §27 (AMD).]

2. Initial report to employer required; exception. Subsection 1 ([./26/title26sec833.html](http://26/title26sec833.html)) does not apply to an employee who has reported or caused to be reported a violation, or unsafe condition or practice to a public body,

unless the employee has first brought the alleged violation, condition or practice to the attention of a person having supervisory authority with the employer and has allowed the employer a reasonable opportunity to correct that violation, condition or practice.

Prior notice to an employer is not required if the employee has specific reason to believe that reports to the employer will not result in promptly correcting the violation, condition or practice.

[PL 1987, c. 782, §4 (NEW).]

3. Reports of suspected abuse. An employee required to report suspected abuse, neglect or exploitation under Title 22, section 3477 ([./22/title22sec3477.html](#)) or 4011-A ([./22/title22sec4011-A.html](#)), shall follow the requirements of those sections under those circumstances. No employer may discharge, threaten or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee followed the requirements of those sections.

[PL 2001, c. 345, §7 (AMD).]

SECTION HISTORY

PL 1983, c. 452 (NEW). PL 1983, c. 583, §15 (RAL). PL 1987, c. 782, §4 (RPR). PL 1999, c. 351, §7 (AMD). PL 2001, c. 345, §7 (AMD). PL 2003, c. 306, §§1,2 (AMD). PL 2003, c. 357, §1 (AMD). PL 2003, c. 688, §A27 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.