

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



L.D. 1196

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44

DATE: 3-29-05

(Filing No. H- 87)

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST REGULAR SESSION**

HOUSE AMENDMENT "F" to S.P. 413, L.D. 1196, Bill, "An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation"

Amend the bill by inserting after section 12 the following:

Sec. 13. 5 MRSA §4573, sub-§5, as amended by PL 1995, c. 393, §19, is further amended to read:

5. Federal Indian policy. Nothing in this Act may be construed to prohibit any employment policy or action that is permitted under 42 United States Code, Section 2000e-2(i) (1982) of the federal Equal Employment Opportunity Act governing employment of Indians; and

Sec. 14. 5 MRSA §4573, sub-§6, as enacted by PL 1995, c. 393, §20, is amended to read:

6. Infectious and communicable diseases. Assignment of individuals with an infectious or communicable disease is governed by the following.

A. In any case in which an individual has an infectious or communicable disease that is transmitted to others through the handling of food, that is included on the list developed by the United States Secretary of Health and Human Services under the federal Americans with Disabilities Act, Title I, Section 103(d)(1), and which can not be eliminated by reasonable accommodation, a covered entity may refuse to assign or continue to assign the individual a job involving food handling.

2 B. Nothing in this Act may be construed to preempt, modify
4 or amend any state, county or local law, ordinance, rule or
6 regulation applicable to food handling that is designed to
8 protect the public health from individuals who pose a
10 significant risk to the health or safety of others, which
can not be eliminated by reasonable accommodation, pursuant
to the list of infectious or communicable diseases and the
modes of transmissibility published by the United States
Secretary of Health and Human Services; and


12 Sec. 15. 5 MRSA §4573, sub-§7 is enacted to read:

14 7. Dress code. For an employer to set a dress code of
16 appropriate attire to be worn in the workplace. An employer may
specify attire in that dress code that is different based on
18 gender. For the purposes of this subsection, "gender" means a
person's gender when that person was born, not that person's
20 perceived gender. If a person undergoes a medical procedure in
which that person's gender is changed, that person may wear the
attire specified in the dress code for that person's new gender.'

22 Further amend the bill by relettering or renumbering any
24 nonconsecutive Part letter or section number to read
consecutively.

26
28 **SUMMARY**

30 This amendment provides that it is not unlawful employment
32 discrimination for an employer to set a dress code of appropriate
attire to be worn in the workplace. An employer may specify
attire in that dress code that is different based on gender.

34
36 SPONSORED BY: 
38 (Representative DUPREY)

40 TOWN: Hampden

42