

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 666

H.P. 487

House of Representatives, February 7, 2019

An Act To Protect Pregnant Workers

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

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

ROBERT B. HUNT
Clerk

Presented by Representative CARNEY of Cape Elizabeth.
Cosponsored by Senator SANBORN, H. of Cumberland and
Representatives: CROCKETT of Portland, DAUGHTRY of Brunswick, MILLETT of
Waterford, RECKITT of South Portland, Senators: BREEN of Cumberland, DOW of Lincoln,
MOORE of Washington.

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

2 **Sec. 1. 5 MRSA §4553, sub-§8-E** is enacted to read:

3 **8-E. Pregnancy-related condition.** "Pregnancy-related condition" means a
4 limitation of an employee's ability to perform the functions of a job caused by pregnancy,
5 childbirth or a medical condition related to pregnancy or childbirth.

6 **Sec. 2. 5 MRSA §4572-A**, as amended by PL 1995, c. 393, §14, is further
7 amended to read:

8 **§4572-A. Unlawful employment discrimination on the basis of sex**

9 **1. Sex defined.** For the purpose of this Act, the word "sex" includes pregnancy and
10 medical conditions ~~which~~ that result from pregnancy.

11 **2. Pregnant persons who are able to work.** It ~~shall be~~ is unlawful employment
12 discrimination in violation of this Act, except where based on a bona fide occupational
13 qualification, for an employer, employment agency or labor organization to treat a
14 pregnant ~~woman~~ person who is able to work in a different manner from other persons
15 who are able to work.

16 **2-A. Accommodations for pregnancy-related conditions.** Accommodations for
17 pregnancy-related conditions are set forth in this subsection.

18 A. Nothing in this section may be construed to indicate or deem that a pregnancy-
19 related condition necessarily constitutes a disability.

20 B. It is unlawful employment discrimination in violation of this Act for an employer
21 to fail to provide a reasonable accommodation for an employee's pregnancy-related
22 condition, unless it would impose an undue hardship on the employer.

23 C. An employee with a pregnancy-related condition, regardless of whether the
24 employee is a person with a physical or mental disability as defined in section
25 4553-A, has the same rights and is subject to the same standards with respect to the
26 provision of a reasonable accommodation as a qualified individual with a disability as
27 defined in section 4553, subsection 8-D.

28 D. Nothing in this section may be construed to diminish the rights, privileges or
29 remedies of an employee pursuant to federal or state law, a collective bargaining
30 agreement or an employment contract.

31 **3. Pregnant persons who are not able to work.** It ~~shall also be~~ is unlawful
32 employment discrimination in violation of this Act, except where based on a bona fide
33 occupational qualification, for an employer, employment agency or labor organization to
34 treat a pregnant ~~woman~~ person who is not able to work because of a disability or illness
35 resulting from pregnancy, or from medical conditions ~~which~~ that result from pregnancy,
36 in a different manner from other employees who are not able to work because of other
37 disabilities or illnesses.

1 **4. Employer not responsible for additional benefits.** Nothing in this section may
2 be construed to mean that an employer, employment agency or labor organization is
3 required to provide sick leave, a leave of absence, medical benefits or other benefits to a
4 ~~woman~~ person because of pregnancy or other medical conditions that result from
5 pregnancy, if the employer, employment agency or labor organization does not also
6 provide sick leaves, leaves of absence, medical benefits or other benefits for the
7 employer's other employees and is not otherwise required to provide those leaves or
8 benefits under other state or federal laws.

9

SUMMARY

10 This bill provides that it is unlawful employment discrimination for an employer to
11 fail to provide a reasonable accommodation for an employee's pregnancy-related
12 condition, unless provision of an accommodation would impose an undue hardship on the
13 employer.