

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
106TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT " A" to H. P. 1665,
L. D. 2058, Bill, "AN ACT to Prevent Physically
Handicapped Discrimination under Human Rights
Act."

Amend said Bill in paragraph D of section 7
by striking out subparagraphs (1), (2), (3) and
(4) and inserting in place thereof the following:

'(1) Elicit or attempt to elicit any information directly or indirectly pertaining to race or color, sex, physically handicapped, religion or country of ancestral origin, except where a physical handicap is determined to be job related and some privileged information is necessary for a suitable job referral;

(2) Make or keep a record of race or color, sex, physically handicapped, religion or country of ancestral origin, except under physical handicap, when an employer requires a physical examination prior to employment, a privileged record of such an examination is permissible;

(3) Use any form of application for employment, or personnel or membership blank containing questions or entries directly or indirectly pertaining to race or color, sex, physically handicapped, religion or country of ancestral origin, except under physical handicap, where it can be determined by the employer that the job or jobs to be filled require such information for the well-being and safety of the individual; nor will this section prohibit any officially recognized agency from keeping

(Filing No. H-663)

necessary records in order to provide free services to individuals requiring rehabilitation or employment assistance;

(4) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race or color, sex, physically handicapped, religion or country of ancestral origin, except under physical handicap when the text of such printed or published material strictly adheres to the provisions of this Act;

Further amend said Bill by striking out all of section 11.

Further amend said Bill in section 12 in the 8th line of that part designated "§4592." (7th line of L.D.) by striking out the underlined words and punctuation "physically handicapped,"

Further amend said Bill in section 12 by adding a new paragraph at the end of that part designated "§4592." to read as follows:

'Nothing in this Act shall prohibit an employer from refusing to hire or discharging a physically handicapped employee, or subject an employer to any legal liability resulting from the refusing to employ or the discharge of a physically handicapped employee, where the employee, because of the physical handicap, is unable to perform his or her duties or perform those duties in a manner which would not endanger the health or safety of the employee or the health or safety of others or be, remain or go to or from the place where the duties of employment are to be performed.'

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Further amend said Bill by renumbering sections 12 and 13 to be sections 11 and 12.

Statement of Fact

The purpose of this amendment is to clarify the Bill.

ported by the Committee on Human Resources.

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