

# MAINE STATE LEGISLATURE

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

HOUSE 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 the title by striking out the words "Physically Handicapped" and inserting in place thereof the words 'Physical Handicap'

Further amend said Bill in section 1 by striking out in the next to the last line (2nd and 3rd line from the end in L. D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 2 by striking out in the 5th line (4th line in L.D.) the following: "Physically handicapped. "Physically handicapped"" and inserting in place thereof the following: 'Physical handicap. "Physical handicap"'

Further amend said Bill in section 3 in the 9th line (7th line in L. D.) by striking out the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 4 by striking out in the next to the last line (last 2 lines in L.D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 5 in the 3rd line from the end (same in L. D.) by striking out the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

*(Filing No. H-668)*

Further amend said Bill in section 6 in the 2nd and 3rd lines from the end (3rd line in L. D.) by striking out the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 7 in that part designated "A." by striking out in the 3rd line (2nd and 3rd lines in L.D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap' and by striking out in the next to the last line (same in L.D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 7 in that part designated "B." by striking out in the 3rd and 4th lines (3rd line in L.D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap' and in the next to the last line (same in L. D.) by striking out the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 7 in that part designated "C." by striking out in the 4th line (3rd line in L.D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap' and in the 4th line from the end (3rd line from the end in L. D.) by striking out the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 7 in that part designated "D." by striking out all of subparagraphs (1), (2), (3), (4) and (5) and inserting in place thereof the following:

'(1) Elicit or attempt to elicit any information directly or indirectly pertaining to race or color, sex, physical handicap,

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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, physical handicap, 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, physical handicap, 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 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, physical handicap, 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;

(5) Establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, sex, physical handicap, religion or country of ancestral origin of such group;

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Further amend said Bill in section 8 by striking out in the 9th line (8th line in L.D.) the underlined words "physically handicap" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 9 in that part designated "§4582." by striking out in the 2nd paragraph 5 times in lines 5, 10, 14, 16 and 22 (lines 4, 8, 11 and 12, 13 and 18 in L. D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 9 in that part designated "§4582." by striking out in the 3rd paragraph 5 times in lines 4 and 5, 8, 15, 19 and 25 (lines 4, 7, 13, 16 and 21 in L.D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 9 in that part designated "§4582." in the last paragraph by striking out in the 6th line and 13th line (5th and 11th lines in L.D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 10 in that part designated "§4583." by striking out in the 8th and 18th lines (7th and 15th lines in L.D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

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 in L.D.) by striking out the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap' (Filing No. A-668)

Further amend said Bill in section 12 in that part designated "§4592." by striking out 3 times in the last paragraph in the 7, 9th and 10th and 13th lines (6th, 8th and 11th lines in L.D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

Further amend said Bill in section 12 in that part designated "§4592." by adding at the end the following underlined paragraph:

'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 to be at, remain or go to or from the place where the duties of employment are to be performed.'

Further amend said Bill in section 13 by striking out in the 10th line (8th line in L.D.) the underlined words "physically handicapped" and inserting in place thereof the underlined words 'physical handicap'

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 and to change the words "physically handicapped" to "physical handicap."

Filed by Mr. Bither of Houlton.

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(Filing No. H-668)