

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 648

S.P. 258

In Senate, March 7, 1989

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ANDREWS of Cumberland.

Cosponsored by Senator DUTREMBLE of York, Representative RAND of Portland and Representative McKEEN of Windham.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Amend the Maine Human Rights Act Pertaining to Discrimination
Because of Previous Assertion of a Claim Under the Workers' Compensation Act.**



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

3 **5 MRSA §4572, sub-§1, ¶A,** as amended by PL 1987, c. 782, §1,
5 is further amended to read:

7 A. For any employer to fail or refuse to hire or otherwise
9 discriminate against any applicant for employment because of
11 race or color, sex, physical or mental handicap, religion,
13 ancestry or national origin or age, or because of the
15 applicant's previous assertion of a claim or right under
17 Title 39, or because of previous actions taken by the
19 applicant which are protected under Title 26, chapter 7,
21 subchapter V-B, or because of any such reason to discharge
23 an employee or discriminate with respect to hire, tenure,
25 promotion, transfer, compensation, terms, conditions or
privileges of employment, or any other matter directly or
indirectly related to employment, or in recruiting of
individuals for employment or in hiring them, to utilize any
employment agency which such employer knows, or has
reasonable cause to know, discriminates against individuals
because of their race or color, sex, physical or mental
handicap, religion, age, ancestry or national origin, or
their previous assertion of a claim or right under Title 39,
or because of previous actions which are protected under
Title 26, chapter 7, subchapter V-B;

27 (1) This paragraph does not apply to discrimination
29 against any individual after hiring because of that
31 individual's ~~previous--or~~ subsequent assertion of a
claim or right under Title 39. Such discrimination is
governed by Title 39, section 111;

33 **STATEMENT OF FACT**

35
37 This bill makes clear that the Maine Human Rights Act
39 applies to persons who, after hire, are discriminated against
41 because of a claim they made under the Workers' Compensation Act
prior to their hire.

43 The Maine Revised Statutes, Title 39, section 111, continues
45 to govern discrimination against an employee because of a claim
under the Workers' Compensation Act made after they are hired.