

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 680

H.P. 486

House of Representatives, February 20, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

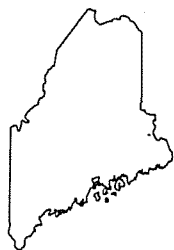
Presented by Representative KETOVER of Portland.

Cosponsored by Senator BUSTIN of Kennebec, Representative MURPHY of Berwick and Representative CLARK of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Maine Human Rights Act Regarding Pregnancy.



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

2
3 Sec. 1. 5 MRSA §4572-A, sub-§§3 and 4, as enacted by PL 1979,
4 c. 79, are amended to read:

6 3. Pregnant women who are not able to work. It shall is
7 also be unlawful employment discrimination in violation of this
8 Act, except where based on a bona fide occupational
9 qualification, for an employer, employment agency or labor
10 organization to treat a pregnant woman who is not able to work
11 because of a disability or illness resulting from pregnancy, or
12 from medical conditions which result from pregnancy, in a
13 different manner from other employees who are not able to work
14 because of other disabilities or illnesses except in order to
15 comply with subsection 6.

16 4. Employer not responsible for additional benefits.
17 Nothing in this section shall may be construed to mean that an
18 employer, employment agency or labor organization is required to
19 provide ~~sick-leave,--a-leave-of-absence,~~ medical benefits or other
20 benefits to a woman because of pregnancy or other medical
21 conditions which result from pregnancy, if this employer,
22 employment agency or labor organization does not also provide
23 ~~sick--leaves,--leaves--of--absence,~~ medical benefits or other
24 benefits for his other employees.

25 Sec. 2. 4572-A, sub-§6 is enacted to read:

26
27 6. Termination due to insufficient leave. It is unlawful
28 employment discrimination in violation of this Act for an
29 employer to terminate an employee who is temporarily disabled
30 because of a disability or illness resulting from pregnancy, or
31 from medical conditions that result from pregnancy, pursuant to
32 an employment policy under which insufficient or no leave is
33 available.

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38 STATEMENT OF FACT

39 Under current law, it is unlawful employment discrimination
40 for an employer to treat a pregnant woman who is not able to work
41 due to pregnancy in a different manner from other employees who
42 are not able to work due to disability or illness. Current law
43 does not, however, prohibit an employer from terminating an
44 employee who is temporarily disabled as a result of pregnancy.

45 This bill prohibits an employer from terminating an employee
46 who is temporarily disabled because of a disability or illness
47 resulting from pregnancy, pursuant to an employment policy under
48 which insufficient or no leave is available.
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