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JUDICIARY

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STATE OF MAINE
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129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 487, L.D. 666, Bill, "An Act To Protect Pregnant Workers"

Amend the bill by striking out all of section 1 and inserting the following:

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

'8-E. Pregnancy-related condition. "Pregnancy-related condition" means a known limitation of an employee's ability to perform the functions of a job due to pregnancy, childbirth or related medical conditions, including but not limited to lactation.'

Amend the bill in section 2 in §4572-A by striking out all of subsection 2-A (page 1, lines 16 to 30 in L.D.) and inserting the following:

'2-A. Accommodations for pregnancy-related conditions. Accommodations for pregnancy-related conditions are set forth in this subsection.

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

B. It is unlawful employment discrimination in violation of this Act for an employer, employment agency or labor organization to fail upon request to provide a reasonable accommodation to any employee with a pregnancy-related condition, unless the employer, employment agency or labor organization can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer, employment agency or labor organization.

C. Reasonable accommodations for a pregnancy-related condition may include, but are not limited to providing more frequent or longer breaks; temporary modification in work schedules, seating or equipment; temporary relief from lifting requirements; temporary transfer to less strenuous or hazardous work; and provisions for lactation in compliance with Title 26, section 604.'

Amend the bill in section 2 in §4572-A in subsection 4 in the last line (page 2, line 8 in L.D.) by inserting after the following: "laws." the following: 'Reasonable accommodations for pregnancy-related conditions are not additional benefits.'

COMMITTEE AMENDMENT

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment clarifies the definition of "pregnancy-related condition" to provide  
5 that the limitation on the pregnant employee's ability to perform the functions of a job due  
6 to pregnancy, childbirth or related medical conditions, including lactation, must be  
7 known.

8 The amendment revises the description of unlawful employment discrimination to  
9 apply to an employer's failure to provide a reasonable accommodation after it has been  
10 requested. An exception to the reasonable accommodation requirement is based on the  
11 employer's demonstration that the accommodation would impose an undue hardship on  
12 the operation of the business of the employer.

13 The amendment provides examples of reasonable accommodations.