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LABOR AND HOUSING

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1112, L.D. 1529, “An Act Concerning Nondisclosure Agreements in Employment”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 26 MRSA §594-A is enacted to read:

§594-A. Nondisclosure agreements

1. Employer defined. As used in this section, unless the context otherwise indicates, "employer" means a person in this State that employs individuals and includes the State and political subdivisions of the State. "Employer" includes a person acting in the interest of an employer directly or indirectly.

2. Certain preemployment and employment agreements prohibited. An employer may not require an employee, intern or applicant for employment to enter into a contract or agreement that waives or limits any right to report or discuss discrimination, retaliation or harassment occurring in the workplace or at work-related events.

3. Certain settlement, separation and severance agreements prohibited. An employer may not require an employee, intern or applicant for employment to enter into a settlement, separation or severance agreement that includes a provision that:

- A. Limits an individual's right to report, testify or provide evidence to a federal or state agency that enforces employment or discrimination laws;
- B. Prevents an individual from testifying or providing evidence in federal and state court proceedings in response to legal process; or
- C. Prohibits an individual from reporting conduct to a law enforcement agency.

4. Mutuality of nondisclosure agreements. A settlement, separation or severance agreement may include a provision that prevents the subsequent disclosure of factual information relating to a claim of discrimination, retaliation or harassment, but only if:

- A. The employee, intern or applicant for employment initiates a request for such a provision;

COMMITTEE AMENDMENT

