

# STATE OF MAINE

Inter-Departmental Memorandum Date December 29, 1981

To Patricia E. Ryan, Executive Director

Dept. Maine Human Rights Commission

From John E. Carnes, Legal Advisor

Dept. Maine Human Rights Commission

Subject Maine Human Rights Act

Pat,

Is MESOC an "employer" under the Maine Human Rights Act when it denies compensation to an employee of a company who resigned when alcoholism disabled her, for the reason that such resignation is not for "just cause"?

It is my opinion that MESOC is not an "employer" under the Maine Human Rights Act and its actions are, therefore, not subject to the provisions of our statute.

This opinion is based on the following:

- a) a reading of the statute establishing the MESOC (Title 26) - it is a creation of the legislature designed to meet the economic needs of the citizens of the State - it forces employers to contribute an amount of money per employee into the "Fund", and the Fund is administered and disbursements are made with out consultation with the employer but according to the provisions of Title 26 - i.e., MESOC is acting in the interest of the citizens of the State, not necessarily in the interest of the employers;
- b) reference to the Superior Court decision, Campbell and Enman v. Maine Department of Manpower Affairs so holding; and
- c) reference to Brown v. Porcher, (CA4 1981), a federal court ruling which found that a policy of the South Carolina employment security commission denying benefits to pregnant females to be in violation of the federal law regulating unemployment benefits. I think it is significant that the federal court did not mention any violation of Title VII, as amended, only the federal unemployment benefits law.

JEC:ds

*John -  
you are right  
as usual; EEOC does  
not consider MESOC or  
the like as employers under  
Title VII either - so - let's  
discuss w/ staff -  
the two outstanding  
complaints re:  
pregnancy are  
being handled  
we'll go w/  
what + talk  
no more  
noise.*