MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)

m

48

		D.D. 2239		
2	DATE: 4/3/2000	(Filing No. S-624)		
4	1101000			
6	JUDICIARY			
8	Reported by:			
10	Reproduced and distributed u of the Senate.	nder the direction of the Secretary		
12	COTA A			
14		'E OF MAINE SENATE		
7.4	119TH LEGISLATURE SECOND REGULAR SESSION			
16				
18	CONTEMENT AMENDMENT II A	" to S.P. 840, L.D. 2239, Bill, "An		
20	Act to Ensure Civil Rights an			
22	Amend the bill in se subsection 9-C and inserting	ction 2 by striking out all of in its place the following:		
24		1		
		t ion. "Sexual orientation" means		
26	-	heterosexuality, homosexuality or		
28		ory of that orientation or being tion. "Sexual orientation" refers to		
		eived status, condition or gender		
30	-	intended to ensure specific defined		
		or extend to any form of sexual		
32		e sexual attraction to a minor by an		
34	adult.'			
-	Further amend the bill	by inserting after section 2 the		
36	following:	-		
38	'Sec. 3. 5 MRSA §4553, sub	-§9-D is enacted to read:		
40	9-D. Religious entity.	"Religious entity" means:		
42	A. A religious corporat	ion, association or society;		
44	B. A college, school	, university or other educational		
	institution, not otherwi	se a religious entity, if it is in		
46	whole or substantial p	art funded, controlled, managed or		

1. J. 1. 1. A.

Page 1-LR0204(2)

owned by a religious corporation, association or society; or

COMMITTEE AMENDMENT "A" to S.P. 840, L.D. 2239

C. A nonprofit organization that is opera purposes if it is in whole or substantion controlled, managed or owned by a religation or society. Further amend the bill in section 5 by stantages.	tial part funded, gious corporation, triking out all of owing:
4 <u>association or society.</u> '	triking out all of owing:
	owing:
6 Further amend the bill in section 5 by st	owing:
paragraph G and inserting in its place the follo	-
8	housing, public
'G. Discrimination in employment,	
10 <u>accommodation and credit as defined in sulvey.</u> V and V-A, on the basis of sexual orientat	- ·
12 religious entity is exempt from these	
respect to discrimination based on sexual c	
14 Further aread the hill be incerting of	costion E tho
Further amend the bill by inserting aft following:	ter section 5 the
•	
18 'Sec. 6. 5 MRSA §4554, sub-§§4, 5 and 6 are end	acted to read:
20 4. Contracts. The exemption provision	of section 4553,
subsection 10, paragraph G does not prohibit a	
22 including provisions in a contract with any en	
religious entity, that may require nondiscrimin of sexual orientation otherwise consistent with	
respect to and as a condition to continuation o	
26 nor does this Act require any religious entity	
contract. With respect to a contract with any	
the employment defenses provided in section 45	73-A, subsection 2
are applicable to any dispute arising	
30 nondiscrimination clause to the extent re- employment discrimination based on sexual orient	
32	ACIOII,
5. Educational policy. This Act does	
34 <u>public or private educational institution to property or sexual orientation or to include s</u>	
36 curriculum.	
38 <u>6. Affirmative action.</u> The provisions of	this lat valating
to sexual orientation are not intended to modif	
40 requirements for affirmative action in effect a	s of the effective
date of this subsection, nor intended to obligations with respect to affirmative action	
42 <u>obligations with respect to affirmative action</u> or quotas.'	or numerical goals
44	
Further amend the bill by inserting aft	er section 8 the
46 following:	
48 'Sec. 9. 5 MRSA §4573, as amended by PL 199	5, c. 393, §§15 to
20, is further amended by adding at the end a	- -

Page 2-LR0204(2)

50

read:

Ä.	•	\$.
n.	ψ,	

50

2	The provisions of this subchapter relating to sexual	
	orientation do not require or prohibit the provision of employee	
4	benefits to an individual for the benefit of that individual's	
	partner,'	
6		
	Further amend the bill in section 9 by striking out all of	
8	subsection 2 and inserting in its place the following:	
10	'2. Religious defenses. This subchapter does not prohibit	
	a religious corporation, association, educational institution or	
12	society from giving preference in employment to individuals an	
	individual of its same religion to perform work connected with	
14	the carrying on by the corporation, association, educational	
	institution or society of its activities. Under this subchapter,	
16	a religious organization may require that all applicants and	
	employees conform to the religious tenets of that organization.'	
18		
	Further amend the bill in section 18 by striking out all of	
20	the question (page 11, lines 12 to 20 in L.D.) and inserting in	
	its place the following:	
22		
	' "Do you favor ratifying the action of the 119th	
24	Legislature whereby it passed an act extending to all	
	citizens regardless of their sexual orientation the same	
26	basic rights to protection against discrimination now	
•	guaranteed to citizens on the basis of race, color,	
28	religion, sex or national origin in the areas of employment,	
20	housing, public accommodation and credit and where the act	
30	expressly states that nothing in the act confers legislative	
30		
32	approval of, or special rights to, any person or group of	
34	persons?" '	
2.4		
34	Further amend the bill by relettering or renumbering any	
	nonconsecutive Part letter or section number to read	
36	consecutively.	
38	Further amend the bill by inserting at the end before the	
	summary the following:	
40		
42	'FISCAL NOTE	
44	The estimated and of smaller thin bill out to referred	
77	The estimated cost of sending this bill out to referendum	
46	will vary according to the total number of referenda enacted	
72 U	during the Second Regular Session of the 119th Legislature to be	

Page 3-LR0204(2)

Secretary of State if one to 6 referenda are enacted is \$121,392. Each additional referendum costs an additional \$8,000.

COMMITTEE AMENDMENT "A" to S.P. 840, L.D. 2239

If approved by the voters, this bill may increase the number of civil suits filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional filing fees may also increase General Fund revenue by minor amounts.

8

10

12

б

2

The additional costs associated with an expected increase in the number of new cases can be absorbed by the Maine Human Rights Commission and by the Department of the Attorney General utilizing existing budgeted resources.'

14

SUMMARY

16

18

20

22

24

26

28

30

32

34

This amendment is the majority report of the committee. adds language further defining the term "sexual orientation." expands the exemption from the law to all religious entities, including educational institutions and charitable nonprofit organizations that are wholly or substantially controlled, managed or owned by a religious corporation, association or society. It adds 3 provisions to the construction section of the Maine Human Rights Act to clarify that, notwithstanding the exemption for religious entities, a state contract, including a contract with religious entities, require nondiscrimination as a condition of the contract. also clarifies that the bill does not require schools to incorporate sexual orientation in curricula and does not require affirmative action based on sexual orientation. The amendment provides that the law does not require nor prohibit the provision of employee benefits to an individual for the benefit of the individual's partner. Finally, it changes the wording of the referendum question to clarify it and adds a fiscal note.

Page 4-LR0204(2)