

MAINE STATE LEGISLATURE

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L.D. 728

(Filing No. S- 195)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 235, L.D. 728, Bill, "An Act to Make Provisions of the Maine Human Rights Act Consistent with Federal Law"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, unless certain provisions of the Maine Human Rights Act are amended before the normal effective date of legislation, the Maine Human Rights Commission will be unable to receive certain federal funding; and

Whereas, restoration of federal funds is necessary to assist the Maine Human Rights Commission in performing its statutorily mandated responsibilities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend the bill in section 1 in subsection 4-B in the 3rd line (page 1, line 8 in L.D.) by inserting after the following: "~~Court.~~" the following: 'If a subpoena is issued, notice must be given to the person who is alleged to have engaged in the unlawful discrimination.'

Further amend the bill by striking out all of sections 3 and 4.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 235, L.D. 728

2 Further amend the bill by renumbering the sections to read
consecutively.

4 Further amend the bill by inserting at the end before the
statement of fact the following:

6 **Emergency clause.** In view of the emergency cited in the
8 preamble, this Act takes effect when approved.

10

12 **FISCAL NOTE**

14 The Maine Human Rights Commission will incur some minor
16 additional costs to issue a notice of subpoena to the person who
is alleged to have engaged in unlawful discrimination. These
18 costs can be absorbed within the commission's existing budgeted
resources.

20 The additional workload and administrative costs associated
with the minimal number of new cases filed in the court system
22 can be absorbed within the budgeted resources of the Judicial
Department.

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STATEMENT OF FACT

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30 This amendment adds a requirement that notice of a subpoena
by the Maine Human Rights Commission be given to the person who
is alleged to have engaged in unlawful discrimination.

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34 The amendment strikes provisions authorizing a jury trial
and making remedies the same as under the federal Civil Rights
Act of 1991 and the Americans with Disabilities Act of 1990.

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38 The amendment also adds an emergency preamble, emergency
clause and fiscal note to the bill.

40 The enactment of provisions related to remedies for
retaliation, interference, coercion or intimidation are not
42 intended to express any legislative intent with regard to whether
remedies for those actions are available under the Maine Human
44 Rights Act without the changes contained in the bill.

Reported by Senator Conley for the Committee on Judiciary.
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