

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 840, L.D. 2239, Bill, "An Act to Ensure Civil Rights and Prevent Discrimination"

Amend the bill in section 2 by striking out all of subsection 9-C and inserting in its place the following:

'9-C. Sexual orientation. "Sexual orientation" means having an orientation for heterosexuality, homosexuality or bisexuality, having a history of that orientation or being identified with that orientation. "Sexual orientation" refers to a person's actual or perceived status, condition or gender expression. This chapter is intended to ensure specific defined rights, and not to endorse or extend to any form of sexual behavior, and does not include sexual attraction to a minor by an adult.'

Further amend the bill in section 5 by striking out all of paragraph G and inserting in its place the following:

'G. Discrimination in employment, housing, public accommodation and credit, as defined in subchapters III, IV, V and V-A, on the basis of sexual orientation, except that a religious corporation, association or organization that does not receive public funds is exempt from these provisions.'

Further amend the bill by inserting after section 5 the following:

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'Sec. 6. 5 MRSA §4554, sub-§§4 and 5 are enacted to read:

4. Education policy. This Act does not mandate any public or private educational institution to promote any form of sexuality or sexual orientation or to include such matters in its curriculum.

5. Affirmative action. The provisions of this Act relating to sexual orientation are not intended to modify federal or state requirements for affirmative action in effect on the effective date of this subsection or to create any new obligations with respect to affirmative action or numerical goals or quotas.'

Further amend the bill by inserting after section 8 the following:

'Sec. 9. 5 MRSA §4573, as amended by PL 1995, c. 393, §§15 to 20, is further amended by adding at the end a new paragraph to read:

The provisions of this subchapter relating to sexual orientation do not require or prohibit the provision of employee benefits to an individual for the benefit of that individual's partner.'

Further amend the bill by striking out all of section 18.

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

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.

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.'

**SUMMARY**

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This amendment is the minority report of the committee. It adds language further defining the term "sexual orientation." It clarifies that the bill does not require schools to incorporate sexual orientation in curricula, does not require affirmative action based on sexual orientation and does not require nor prohibit the provision of employee benefits to an individual for the benefit of the individual's partner. Finally, it removes the section sending the law to referendum and adds a fiscal note.