

MAINE STATE LEGISLATURE

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L.D. 1599

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REPORT B
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1176, L.D. 1599, Bill, "An Act to Clarify the Maine Human Rights Act Concerning Responsibility for Employment Discrimination"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 5 MRSA §4553, sub-§4, as amended by PL 1995, c. 393, §5, is further amended to read:

4. Employer. "Employer" includes any person in this State employing any number of employees, whatever the place of employment of the employees, and any person outside this State employing any number of employees whose usual place of employment is in this State; any person acting in the interest of any employer, directly or indirectly; and labor organizations, whether or not organized on a religious, fraternal or sectarian basis, with respect to their employment of employees. "Employer" does not include a religious or fraternal corporation or association, not organized for private profit and in fact not conducted for private profit, with respect to employment of its members of the same religion, sect or fraternity, except for purposes of disability-related discrimination, in which case the corporation or association is considered to be an employer. An individual acting as agent of, or in the interest of, an employer is not personally liable as an employer for actions that constitute unlawful employment discrimination under section 4572.'

SUMMARY

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This amendment is one of 3 committee reports. The amendment replaces the bill. It provides clearer language to achieve the purpose of the bill, which is to ensure that individual employees, such as supervisors, are not held personally liable for employment discrimination. This does not change the law regarding when an employer is liable for employment discrimination committed by an employee or other agent of the employer.