

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
124TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 664,
L.D. 962, Bill, "An Act To Protect Family Caregivers"

Amend the amendment by striking out all of section 6 (page 1, lines 17 and 18 in amendment) and inserting the following:

'Sec. 6. 5 MRSA §4572, sub-§3 is enacted to read:

3. Family caregiver status. A claim for unlawful discrimination based on family caregiver status may be maintained only for intentional employment discrimination caused by a covered entity's unwarranted stereotyping or intentional bias or prejudice relating to the complaining party's status as a family caregiver.

Inclusion of family caregiver status in this subchapter does not create a right to accommodation for family caregivers or impose any duty on a covered entity to alter work schedules or other conditions of employment, to grant leave or to provide other benefits to a family caregiver because of family caregiver status if the covered entity does not also provide the same conditions, leaves or benefits for other employees and is not otherwise required to provide such concessions under other state or federal laws.

A claim for unlawful employment discrimination based on family caregiver status may not be maintained based on disparate impact.'

SUMMARY

This amendment deletes the section of Committee Amendment "A" that establishes a rule of construction in unallocated language.

This amendment adds a new provision to the Maine Human Rights Act in the description of what constitutes unlawful discrimination to clarify that a claim for unlawful discrimination based on family caregiver status may be maintained only by proof that the complaining party has been harmed by a covered entity's bias, prejudice or unwarranted stereotyping relating to the claimant's status as a family caregiver. The new provision provides that the inclusion of family caregiver status as a prohibited category of

2013

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discrimination does not create a right to accommodation or impose any duty on employers to alter work schedules or other conditions of employment.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY: 

(Senator MILLS, P.)

COUNTY: Somerset



124th MAINE LEGISLATURE

LD 962

LR 1444(04)

An Act To Protect Family Caregivers

Fiscal Note for Senate Amendment "*A*" to Committee Amendment "A"

Sponsor: Sen. Mills of Somerset

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Maine Human Rights Commission can be absorbed utilizing existing budgeted resources.