

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)

DMG
R 9/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Date: 6/12/15

Minority

L.D. 950
(Filing No. H-413)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 653, L.D. 950, Bill, "An Act To Prohibit Discrimination against a Person Who Is Not Vaccinated"

Amend the bill by striking out the title and substituting the following:

'An Act To Prohibit Discrimination on the Basis of Vaccination Status'

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

'Sec. 1. 5 MRSA §4552, as amended by PL 2005, c. 10, §1, is further amended to read:

§4552. Policy

To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of these practices, so that corrective measures may, where possible, be promptly recommended and implemented, and to prevent discrimination in employment, housing or access to public accommodations on account of race, color, sex, sexual orientation, physical or mental disability, vaccination status, religion, ancestry or national origin; and in employment, discrimination on account of age or because of the previous assertion of a claim or right under former Title 39 or Title 39-A and in housing because of familial status; and to prevent discrimination in the extension of credit on account of age, race, color, sex, sexual orientation, marital status, vaccination status, religion, ancestry or national origin; and to prevent discrimination in education on account of sex, sexual orientation, vaccination status or physical or mental disability.

Sec. 2. 5 MRSA §4553, sub-§9-A, ¶B, as enacted by PL 1995, c. 393, §8, is amended to read:

B. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of

COMMITTEE AMENDMENT

H. of S.

1 qualified readers or interpreters and other similar accommodations for individuals
2 with disabilities or based on an individual's vaccination status.

3 **Sec. 3. 5 MRSA §4553, sub-§11** is enacted to read:

4 **11. Vaccination status.** "Vaccination status" means a person's medical history
5 concerning immunization through the administration of one or more vaccines.
6 "Vaccination status" may relate to whether the person has received a single identified
7 vaccine, multiple identified vaccines or vaccines in general.

8 **Sec. 4. 5 MRSA §4554, sub-§5** is enacted to read:

9 **5. Vaccination status.** Although the vaccination status of an individual is not a
10 physical disability, the legal analysis applied to discrimination claims based on the
11 vaccination status of an individual or the vaccination status of an individual's minor child
12 is the same as that applied to physical disability claims.

13 **Sec. 5. 5 MRSA §4566, sub-§6**, as amended by PL 2005, c. 10, §7, is further
14 amended to read:

15 **6. Advisory groups.** To create local or statewide advisory agencies and conciliation
16 councils to aid in effectuating the purposes of this Act. The commission may study or
17 may empower these agencies and councils to study the problems of discrimination in all
18 or specific fields of human relationships when based on race or color, sex, sexual
19 orientation, vaccination status, physical or mental disability, religion, age, ancestry or
20 national origin, and foster good will among the groups and elements of the population of
21 the State. Agencies and councils may make recommendations to the commission for the
22 development of policies and procedures. Advisory agencies and conciliation councils
23 created by the commission must be composed of representative citizens serving without
24 pay, but with reimbursement for actual and necessary traveling expenses;

25 **Sec. 6. 5 MRSA §4566, sub-§10**, as amended by PL 2005, c. 10, §8, is further
26 amended to read:

27 **10. Publications.** To publish results of investigations and research to promote good
28 will and minimize or eliminate discrimination based on race or color, sex, sexual
29 orientation, vaccination status, physical or mental disability, religion, age, ancestry or
30 national origin;

31 **Sec. 7. 5 MRSA §4566, sub-§11**, as amended by PL 2005, c. 10, §9, is further
32 amended to read:

33 **11. Reports.** To report to the Legislature and the Governor at least once a year
34 describing the investigations, proceedings and hearings the commission has conducted
35 and the outcome and other work performed by the commission, and to make
36 recommendations for further legislation or executive action concerning abuses and
37 discrimination based on race or color, sex, sexual orientation, vaccination status, physical
38 or mental disability, religion, age, ancestry or national origin, or other infringements on
39 human rights or personal dignity; and

40 **Sec. 8. 5 MRSA §4571**, as amended by PL 2005, c. 10, §10, is further amended to
41 read:

R. of S.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

§4571. Right to freedom from discrimination in employment

The opportunity for an individual to secure employment without discrimination because of race, color, sex, sexual orientation, physical or mental disability, vaccination status, religion, age, ancestry or national origin is recognized as and declared to be a civil right.

Sec. 9. 5 MRSA §4572, sub-§1, as amended by PL 2005, c. 10, §§11 and 12, is further amended to read:

1. Unlawful employment. It is unlawful employment discrimination, in violation of this Act, except when based on a bona fide occupational qualification:

A. For any employer to fail or refuse to hire or otherwise discriminate against any applicant for employment because of race or color, sex, sexual orientation, physical or mental disability, vaccination status, religion, age, ancestry or national origin, because of the applicant's previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions taken by the applicant that are protected under Title 26, chapter 7, subchapter 5-B; or, because of those reasons, to discharge an employee or discriminate with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment or any other matter directly or indirectly related to employment; or, in recruiting of individuals for employment or in hiring them, to utilize any employment agency that the employer knows or has reasonable cause to know discriminates against individuals because of their race or color, sex, sexual orientation, physical or mental disability, vaccination status, religion, age, ancestry or national origin, because of their previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions that are protected under Title 26, chapter 7, subchapter 5-B;

(1) This paragraph does not apply to discrimination governed by Title 39-A, section 353;

B. For any employment agency to fail or refuse to classify properly, refer for employment or otherwise discriminate against any individual because of race or color, sex, sexual orientation, physical or mental disability, vaccination status, religion, age, ancestry or national origin, because of the individual's previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions taken by the individual that are protected under Title 26, chapter 7, subchapter 5-B; or to comply with an employer's request for the referral of job applicants if a request indicates either directly or indirectly that the employer will not afford full and equal employment opportunities to individuals regardless of their race or color, sex, sexual orientation, physical or mental disability, vaccination status, religion, age, ancestry or national origin, because of previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions that are protected under Title 26, chapter 7, subchapter 5-B;

C. For any labor organization to exclude from apprenticeship or membership or to deny full and equal membership rights to any applicant for membership because of race or color, sex, sexual orientation, physical or mental disability, vaccination status, religion, age, ancestry or national origin, because of the applicant's previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions

R. of S.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

taken by the applicant that are protected under Title 26, chapter 7, subchapter 5-B; or, because of those reasons, to deny a member full and equal membership rights, expel from membership, penalize or otherwise discriminate with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment, representation, grievances or any other matter directly or indirectly related to membership or employment, whether or not authorized or required by the constitution or bylaws of that labor organization or by a collective labor agreement or other contract; to fail or refuse to classify properly or refer for employment or otherwise discriminate against any member because of race or color, sex, sexual orientation, physical or mental disability, vaccination status, religion, age, ancestry or national origin, because of the member's previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions taken by the member that are protected under Title 26, chapter 7, subchapter 5-B; or to cause or attempt to cause an employer to discriminate against an individual in violation of this section, except that it is lawful for labor organizations and employers to adopt a maximum age limitation in apprenticeship programs, if the employer or labor organization obtains prior approval from the Maine Human Rights Commission of any maximum age limitation employed in an apprenticeship program. The commission shall approve the age limitation if a reasonable relationship exists between the maximum age limitation employed and a legitimate expectation of the employer in receiving a reasonable return upon the employer's investment in an apprenticeship program. The employer or labor organization bears the burden of demonstrating that such a relationship exists;

D. For any employer, employment agency or labor organization, prior to employment or admission to membership of any individual, to:

- (1) Elicit or attempt to elicit information directly or indirectly pertaining to race or color, sex, sexual orientation, physical or mental disability, vaccination status, religion, age, ancestry or national origin, any previous assertion of a claim or right under former Title 39 or Title 39-A or any previous actions that are protected under Title 26, chapter 7, subchapter 5-B;
- (2) Make or keep a record of race or color, sex, sexual orientation, physical or mental disability, vaccination status, religion, age, ancestry or national origin, any previous assertion of a claim or right under former Title 39 or Title 39-A or any previous actions that are protected under Title 26, chapter 7, subchapter 5-B, except under physical or mental disability when an employer requires a physical or mental examination prior to employment, a privileged record of that examination is permissible if made and kept in compliance with this Act;
- (3) Use any form of application for employment, or personnel or membership blank containing questions or entries directly or indirectly pertaining to race or color, sex, sexual orientation, physical or mental disability, vaccination status, religion, age, ancestry or national origin, any previous assertion of a claim or right under former Title 39 or Title 39-A or any previous actions that are protected under Title 26, chapter 7, subchapter 5-B. This section does not prohibit any officially recognized government agency from keeping records

COMMITTEE AMENDMENT

R. of S.

1 permitted to be kept under this Act in order to provide free services to individuals
2 requesting rehabilitation or employment assistance;

3 (4) Print, publish or cause to be printed or published any notice or advertisement
4 relating to employment or membership indicating any preference, limitation,
5 specification or discrimination based upon race or color, sex, sexual orientation,
6 physical or mental disability, vaccination status, religion, age, ancestry or
7 national origin, any previous assertion of a claim or right under former Title 39 or
8 Title 39-A or any previous actions that are protected under Title 26, chapter 7,
9 subchapter 5-B; or

10 (5) Establish, announce or follow a policy of denying or limiting, through a
11 quota system or otherwise, employment or membership opportunities of any
12 group because of the race or color, sex, sexual orientation, physical or mental
13 disability, vaccination status, religion, age, ancestry or national origin, the
14 previous assertion of a claim or right under former Title 39 or Title 39-A or
15 because of previous actions that are protected under Title 26, chapter 7,
16 subchapter 5-B, of that group; or

17 E. For an employer, employment agency or labor organization to discriminate in any
18 manner against individuals because they have opposed a practice that would be a
19 violation of this Act or because they have made a charge, testified or assisted in any
20 investigation, proceeding or hearing under this Act.

21 **Sec. 10. 5 MRSA §4581, first ¶**, as amended by PL 2011, c. 613, §10 and
22 affected by §29, is further amended to read:

23 The opportunity for an individual to secure housing in accordance with the
24 individual's ability to pay, and without discrimination because of race, color, sex, sexual
25 orientation, physical or mental disability, vaccination status, religion, ancestry, national
26 origin or familial status is hereby recognized as and declared to be a civil right.

27 **Sec. 11. 5 MRSA §4581-A**, as enacted by PL 2011, c. 613, §11 and affected by
28 §29, is amended to read:

29 **§4581-A. Unlawful housing discrimination**

30 It is unlawful housing discrimination, in violation of this Act:

31 **1. Sale or rental of housing and other prohibited practices.** For any owner,
32 lessee, sublessee, managing agent or other person having the right to sell or rent or
33 manage a housing accommodation, or any agent of these, to:

34 A. Make or cause to be made any written or oral inquiry concerning the race or
35 color, sex, sexual orientation, physical or mental disability, vaccination status,
36 religion, ancestry, national origin or familial status of any prospective purchaser,
37 occupant or tenant of the housing accommodation;

38 B. Refuse to show or refuse to sell, rent, lease, let or otherwise deny to or withhold
39 from any person the housing accommodation because of race or color, sex, sexual
40 orientation, physical or mental disability, vaccination status, religion, ancestry,
41 national origin or familial status;

H.P. 653

- 1 C. Make, print or publish or cause to be made, printed or published any notice,
2 statement or advertisement relating to the sale, rental or lease of the housing
3 accommodation that indicates any preference, limitation or discrimination based upon
4 race or color, sex, sexual orientation, physical or mental disability, vaccination status,
5 religion, ancestry, national origin or familial status or an intention to make any such
6 preference, limitation or discrimination;
- 7 D. Discriminate against any person because of race or color, sex, sexual orientation,
8 physical or mental disability, vaccination status, religion, ancestry, national origin or
9 familial status in the price, terms, conditions or privileges of the sale, rental or lease
10 of any housing accommodations or in the furnishing of facilities or services in
11 connection with any housing accommodations; or
- 12 E. Evict or attempt to evict any tenant of any housing accommodation because of the
13 race or color, sex, sexual orientation, physical or mental disability, vaccination status,
14 religion, ancestry, national origin or familial status of the tenant;
- 15 **2. Selling, brokering or appraising of housing.** For any real estate broker or real
16 estate salesperson, or any agent of these, to:
 - 17 A. Fail or refuse to show any person a housing accommodation listed for sale, lease
18 or rent because of race or color, sex, sexual orientation, physical or mental disability,
19 vaccination status, religion, ancestry, national origin or familial status;
 - 20 B. Misrepresent, for the purpose of discriminating because of race or color, sex,
21 sexual orientation, physical or mental disability, vaccination status, religion, ancestry,
22 national origin or familial status, the availability or asking price of a housing
23 accommodation listed for sale, lease or rent or for such reason to fail to communicate
24 to the person having the right to sell, rent or lease the housing accommodation any
25 offer for the same made by any applicant;
 - 26 C. In any other manner to discriminate against any applicant for a housing
27 accommodation because of race or color, sex, sexual orientation, physical or mental
28 disability, vaccination status, religion, ancestry, national origin or familial status;
 - 29 D. Make or cause to be made any written or oral inquiry or record concerning the
30 race or color, sex, sexual orientation, physical or mental disability, vaccination status,
31 religion, ancestry, national origin or familial status of any applicant for or intended
32 occupant of a housing accommodation; or
 - 33 E. Accept for listing any housing accommodation when the person having the right
34 to sell, rent or lease the housing accommodation has directly or indirectly indicated
35 an intention of discriminating among prospective tenants or purchasers on the ground
36 of race or color, sex, sexual orientation, physical or mental disability, vaccination
37 status, religion, ancestry, national origin or familial status, or when the broker or
38 salesperson knows or has reason to know that the person having the right to sell, rent
39 or lease the housing accommodation has made a practice of discrimination since July
40 1, 1972;
- 41 **3. Making of loans; other financial assistance.** For any person to whom
42 application is made for a loan or other form of financial assistance for the acquisition,

1 construction, rehabilitation, repair or maintenance of any housing accommodation,
2 whether secured or unsecured, or agent of the person, to:

3 A. Make or cause to be made any oral or written inquiry concerning the race or
4 color, sex, sexual orientation, physical or mental disability, vaccination status,
5 religion, ancestry, national origin or familial status of any applicant for financial
6 assistance or of existing or prospective occupants or tenants of housing
7 accommodations; or

8 B. Discriminate in the granting of financial assistance, or in the terms, conditions or
9 privileges relating to obtaining or the use of any financial assistance, against any
10 applicant because of race or color, sex, sexual orientation, physical or mental
11 disability, vaccination status, religion, ancestry, national origin or familial status; or

12 **4. Receipt of public assistance.** For any person furnishing rental premises or public
13 accommodations to refuse to rent or impose different terms of tenancy to any individual
14 who is a recipient of federal, state or local public assistance, including medical assistance
15 and housing subsidies, primarily because of the individual's status as recipient.

16 **Sec. 12. 5 MRSA §4583**, as amended by PL 2007, c. 243, §4, is further amended
17 to read:

18 **§4583. Application**

19 Nothing in this Act may be construed to prohibit or limit the exercise of the privilege
20 of every person and the agent of any person having the right to sell, rent, lease or manage
21 a housing accommodation to set up and enforce specifications in the selling, renting,
22 leasing or letting or in the furnishings of facilities or services in connection with the
23 facilities that are consistent with business necessity and are not based on the race, color,
24 sex, sexual orientation, vaccination status, physical or mental disability, religion, country
25 of ancestral origin or familial status of or the receipt of public assistance payments by any
26 prospective or actual purchaser, lessee, tenant or occupant. Nothing in this Act may be
27 construed to prohibit or limit the exercise of the privilege of every person and the agent of
28 any person making loans for or offering financial assistance in the acquisition,
29 construction, rehabilitation, repair or maintenance of housing accommodations to set
30 standards and preferences, terms, conditions, limitations or specifications for the granting
31 of loans or financial assistance that are consistent with business necessity and are not
32 based on the race, color, sex, sexual orientation, vaccination status, physical or mental
33 disability, religion, country of ancestral origin or familial status of or the receipt of public
34 assistance payments by the applicant for a loan or financial assistance or of any existing
35 or prospective owner, lessee, tenant or occupant of housing accommodation.

36 **Sec. 13. 5 MRSA §4591**, as amended by PL 2005, c. 10, §16, is further amended
37 to read:

38 **§4591. Equal access to public accommodations**

39 The opportunity for every individual to have equal access to places of public
40 accommodation without discrimination because of race, color, sex, sexual orientation,
41 physical or mental disability, vaccination status, religion, ancestry or national origin is
42 recognized as and declared to be a civil right.

1 **Sec. 14. 5 MRSA §4592, sub-§§1 and 2**, as amended by PL 2005, c. 10, §17, are
2 further amended to read:

3 **1. Denial of public accommodations.** For any public accommodation or any person
4 who is the owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or
5 employee of any place of public accommodation to directly or indirectly refuse,
6 discriminate against or in any manner withhold from or deny the full and equal enjoyment
7 to any person, on account of race or color, sex, sexual orientation, physical or mental
8 disability, vaccination status, religion, ancestry or national origin, any of the
9 accommodations, advantages, facilities, goods, services or privileges of public
10 accommodation, or in any manner discriminate against any person in the price, terms or
11 conditions upon which access to accommodation, advantages, facilities, goods, services
12 and privileges may depend.

13 For purposes of this subsection, unlawful discrimination also includes, but is not limited
14 to:

15 A. The imposition or application of eligibility criteria that screen out or tend to
16 screen out an individual with a disability or any class of individuals with disabilities
17 from fully and equally enjoying any goods, services, facilities, privileges, advantages
18 or accommodations, unless the criteria can be shown to be necessary for the provision
19 of the goods, services, facilities, privileges, advantages or accommodations being
20 offered;

21 B. A failure to make reasonable modifications in policies, practices or procedures,
22 when modifications are necessary to afford the goods, services, facilities, privileges,
23 advantages or accommodations to individuals with disabilities, unless, in the case of a
24 private entity, the private entity can demonstrate that making the modifications would
25 fundamentally alter the nature of the goods, services, facilities, privileges, advantages
26 or accommodations;

27 C. A failure to take steps that may be necessary to ensure that no individual with a
28 disability is excluded, denied services, segregated or otherwise treated differently
29 than other individuals because of the absence of auxiliary aids and services, unless, in
30 the case of a private entity, the private entity can demonstrate that taking those steps
31 would fundamentally alter the nature of the good, service, facility, privilege,
32 advantage or accommodation being offered or would result in an undue burden;

33 D. A private entity's failure to remove architectural barriers and communication
34 barriers that are structural in nature in existing facilities and transportation barriers in
35 existing vehicles and rail passenger cars used by an establishment for transporting
36 individuals, not including barriers that can be removed only through the retrofitting of
37 vehicles or rail passenger cars by the installation of a hydraulic or other lift, where
38 the removal is readily achievable;

39 When the entity can demonstrate that the removal of a barrier under this paragraph is
40 not readily achievable, a failure to make the goods, services, facilities, privileges,
41 advantages or accommodations available through alternative methods if alternative
42 methods are readily achievable; and

43 E. A qualified individual with a disability, by reason of that disability, being
44 excluded from participation in or being denied the benefits of the services, programs

1 or activities of a public entity, or being subjected to discrimination by any such
2 entity;

3 **2. Communication, notice or advertisement.** For any person to directly or
4 indirectly publish, display or communicate any notice or advertisement to the effect that
5 any of the accommodations, advantages, facilities and privileges of any place of public
6 accommodation are refused, withheld from or denied to any person on account of race or
7 color, sex, sexual orientation, physical or mental disability, vaccination status, religion,
8 ancestry or national origin, or that the patronage or custom of any person belonging to or
9 purporting to be of any particular race or color, sex, sexual orientation, physical or mental
10 disability, vaccination status, religion, ancestry or national origin is unwelcome,
11 objectionable or not acceptable, desired or solicited, or that the clientele is restricted to
12 any particular race or color, sexual orientation, physical or mental disability, vaccination
13 status, religion, ancestry or national origin. The production of any communication, notice
14 or advertisement purporting to relate to any place of accommodation is presumptive
15 evidence in any action that the action was authorized by its owner, manager or proprietor;

16 **Sec. 15. 5 MRSA §4595**, as amended by PL 2005, c. 10, §18, is further amended
17 to read:

18 **§4595. Right to freedom from discrimination solely on basis of age, race, color, sex,**
19 **sexual orientation, marital status, ancestry, vaccination status, religion or**
20 **national origin in any credit transaction**

21 The opportunity for every individual to be extended credit without discrimination
22 solely because of any one or more of the following factors: age; race; color; sex; sexual
23 orientation; marital status; ancestry; vaccination status; religion; or national origin is
24 recognized as and declared to be a civil right.

25 **Sec. 16. 5 MRSA §4596**, as amended by PL 2005, c. 10, §19, is further amended
26 to read:

27 **§4596. Unlawful credit extension discrimination**

28 It is unlawful credit discrimination for any creditor to refuse the extension of credit to
29 any person solely on the basis of any one or more of the following factors: age; race;
30 color; sex; sexual orientation; marital status; ancestry; vaccination status; religion; or
31 national origin in any credit transaction. It is not unlawful credit discrimination to comply
32 with the terms and conditions of any bona fide group credit life, accident and health
33 insurance plan, for a financial institution extending credit to a married person to require
34 both the husband and the wife to sign a note and a mortgage and to deny credit to persons
35 under the age of 18 or to consider a person's age in determining the terms upon which
36 credit will be extended.

37 **Sec. 17. 5 MRSA §4601**, as amended by PL 2005, c. 10, §20, is further amended
38 to read:

39 **§4601. Right to freedom from discrimination in education**

40 The opportunity for an individual at an educational institution to participate in all
41 educational, counseling and vocational guidance programs and all apprenticeship and on-
42 the-job training programs without discrimination because of sex, sexual orientation, a

1 physical or mental disability, vaccination status, national origin or race is recognized and
2 declared to be a civil right.

3 **Sec. 18. 5 MRSA §4602, sub-§5** is enacted to read:

4 **5. Unlawful education discrimination on the basis of vaccination status.** It is
5 unlawful education discrimination in violation of this Act, on the basis of vaccination
6 status, to:

7 A. Exclude a person from participation in, deny a person the benefits of or subject a
8 person to discrimination in any academic, extracurricular, research, occupational
9 training or other program or activity;

10 B. Deny a person equal opportunity in athletic programs;

11 C. Apply any rule concerning the actual or potential family or marital status of a
12 person or to exclude any person from any program or activity because of the person's
13 vaccination status;

14 D. Deny admission to the institution or program or fail to provide equal access to any
15 information about an institution or program through recruitment; or

16 E. Deny financial assistance availability and opportunity.

17 **Sec. 19. 5 MRSA §4612, sub-§4, ¶A**, as amended by PL 2011, c. 613, §19 and
18 affected by §29, is further amended to read:

19 A. If the commission finds reasonable grounds to believe that unlawful
20 discrimination has occurred, and further believes that irreparable injury or great
21 inconvenience will be caused the victim of such discrimination or to members of a
22 racial, color, sex, sexual orientation, vaccination status, physical or mental disability,
23 religious or nationality group or age group if relief is not immediately granted, or if
24 conciliation efforts under subsection 3 have not succeeded, the commission may file
25 in the Superior Court a civil action seeking such relief as is appropriate, including
26 temporary restraining orders. In a complaint investigated pursuant to a memorandum
27 of understanding between the commission and the United States Department of
28 Housing and Urban Development that results in a reasonable grounds determination,
29 the commission shall file a civil action for the use of complainant if conciliation
30 efforts under subsection 3 are unsuccessful.'

31 **SUMMARY**

32 This amendment replaces the bill. It amends the Maine Human Rights Act to prohibit
33 discrimination on the basis of vaccination status in employment, housing, public
34 accommodations, education and credit.

35 This amendment provides that, although the vaccination status of an individual is not
36 a physical disability, the legal analysis applied to discrimination claims based on the
37 vaccination status of an individual or the vaccination status of an individual's minor child
38 is the same as that applied to physical disability claims.

39 **FISCAL NOTE REQUIRED**

40 (See attached)



Approved: 05/27/15 *mac*

127th MAINE LEGISLATURE

LD 950

LR 1541(02)

An Act To Prohibit Discrimination against a Person Who Is Not Vaccinated

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-413)
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Fiscal Detail and Notes

The Maine Human Rights Commission will require additional General Fund appropriations to respond to the anticipated increase in the number of claims and investigations. The amount needed will depend on the number of new cases and their complexity and cannot be estimated at this time.