

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)

SA
ROS

Date: 4-19-22

(Filing No. H/033)

MAJORITY
JUDICIARY

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

STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 728, L.D. 982, "An Act To Protect against Discrimination by Public Entities"

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

Sec. 1. 5 MRSA §4553, sub-§8-D, ¶A, as amended by PL 2019, c. 464, §1, is further amended to read:

A. Subchapter 3 (employment); ~~and~~

Sec. 2. 5 MRSA §4553, sub-§8-D, ¶B, as amended by PL 2019, c. 464, §1, is repealed.

Sec. 3. 5 MRSA §4553, sub-§8-D, as amended by PL 2019, c. 464, §1, is further amended by repealing the last blocked paragraph.

Sec. 4. 5 MRSA §4553, sub-§10, ¶F, as amended by PL 2005, c. 10, §5, is further amended to read:

F. Unlawful educational discrimination as defined and limited by subchapter 5-B; ~~and~~

Sec. 5. 5 MRSA §4553, sub-§10, ¶G, as amended by PL 2021, c. 366, §3, is further amended by amending the first blocked paragraph to read:

Any for-profit organization owned, controlled or operated by a religious association or corporation and subject to the provisions of the Internal Revenue Code, 26 United States Code, Section 511(a) is not covered by the exemptions set forth in this paragraph; ~~and~~

Sec. 6. 5 MRSA §4553, sub-§10, ¶H is enacted to read:

H. Unlawful discrimination by public entities as described in section 4630.

Sec. 7. 5 MRSA §4592, sub-§1, ¶C, as enacted by PL 1995, c. 393, §22, is amended to read:

COMMITTEE AMENDMENT

ROS

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

7 **Sec. 8. 5 MRSA §4592, sub-§1, ¶D**, as amended by PL 2021, c. 366, §13, is further
 8 amended by amending the first blocked paragraph to read:

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

13 **Sec. 9. 5 MRSA §4592, sub-§1, ¶E**, as enacted by PL 1995, c. 393, §22, is
 14 repealed.

15 **Sec. 10. 5 MRSA §4630** is enacted to read:

16 **§4630. Discrimination by public entities prohibited**

17 **1. Unlawful discrimination.** It is unlawful for a public entity to discriminate against,
 18 exclude from participation in or otherwise deny the benefits of the services, programs or
 19 activities of a public entity to any individual by reason of the individual's race, color, sex,
 20 sexual orientation, gender identity, age, physical or mental disability, religion, ancestry or
 21 national origin.

22 **2. Continued applicability.** This section does not diminish the applicability of other
 23 provisions of this chapter to public entities acting as employers, public accommodations or
 24 educational institutions or as providers of credit or housing.

25 **Sec. 11. Appropriations and allocations.** The following appropriations and
 26 allocations are made.

27 **ATTORNEY GENERAL, DEPARTMENT OF THE**

28 **Administration - Attorney General 0310**

29 Initiative: Establishes one Assistant Attorney General position in the Litigation Division of
 30 the Office of the Attorney General and provides funding for related All Other costs.

31	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
32	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
33	Personal Services	\$0	\$128,275
34	All Other	\$0	\$6,173
35			
36	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$134,448</u>

37

38 **ATTORNEY GENERAL, DEPARTMENT OF THE**
 39 **DEPARTMENT TOTALS**

40		2021-22	2022-23
41	OTHER SPECIAL REVENUE FUNDS	\$0	\$134,448
42		<u></u>	<u></u>

1	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$134,448
2	CORRECTIONS, DEPARTMENT OF		
3	Administration - Corrections 0141		
4	Initiative: Provides funding to reimburse the Attorney General's office for costs incurred		
5	on behalf of the department.		
6	GENERAL FUND	2021-22	2022-23
7	All Other	\$0	\$134,448
8			
9	GENERAL FUND TOTAL	\$0	\$134,448
10	Correctional Center 0162		
11	Initiative: Provides funding for one Prison Administration Coordinator position and related		
12	costs to review, process and investigate additional claims of discrimination.		
13	GENERAL FUND	2021-22	2022-23
14	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
15	Personal Services	\$0	\$113,859
16	All Other	\$0	\$6,980
17			
18	GENERAL FUND TOTAL	\$0	\$120,839
19	Mountain View Correctional Facility 0857		
20	Initiative: Provides funding for one Prison Administration Coordinator position and related		
21	costs to review, process and investigate additional claims of discrimination.		
22	GENERAL FUND	2021-22	2022-23
23	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
24	Personal Services	\$0	\$113,859
25	All Other	\$0	\$6,980
26			
27	GENERAL FUND TOTAL	\$0	\$120,839
28	State Prison 0144		
29	Initiative: Provides funding for one Prison Administration Coordinator position and related		
30	costs to review, process and investigate additional claims of discrimination.		
31	GENERAL FUND	2021-22	2022-23
32	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
33	Personal Services	\$0	\$113,859
34	All Other	\$0	\$6,980
35			
36	GENERAL FUND TOTAL	\$0	\$120,839
37			
38	CORRECTIONS, DEPARTMENT OF		
39	DEPARTMENT TOTALS	2021-22	2022-23
40			
41	GENERAL FUND	\$0	\$496,965
42			

ROS

1	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$496,965
2			
3	SECTION TOTALS	2021-22	2022-23
4			
5	GENERAL FUND	\$0	\$496,965
6	OTHER SPECIAL REVENUE FUNDS	\$0	\$134,448
7			
8	SECTION TOTAL - ALL FUNDS	\$0	\$631,413

10 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
11 number to read consecutively.

12 **SUMMARY**

13 This amendment replaces the bill. It creates a new section in the Maine Human Rights
14 Act that states it is unlawful discrimination for a public entity to discriminate against,
15 exclude from participation in or otherwise deny the benefits of the services, programs or
16 activities of a public entity to any individual by reason of the individual's race, color, sex,
17 sexual orientation, gender identity, age, physical or mental disability, religion, ancestry or
18 national origin. It amends existing sections of the Maine Human Rights Act to create
19 consistency with the new section.

20 **FISCAL NOTE REQUIRED**

21 (See attached)



130th MAINE LEGISLATURE

LD 982

LR 1812(02)

An Act To Protect against Discrimination by Public Entities

Fiscal Note for Bill as Amended by Committee Amendment *A(H-1033)*

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	\$496,965	\$519,547	\$553,294
Appropriations/Allocations				
General Fund	\$0	\$496,965	\$519,547	\$553,294
Other Special Revenue Funds	\$0	\$134,448	\$138,553	\$142,789

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system. The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time. The collection of additional filing fees may increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

The bill includes General Fund appropriations of \$496,965 in fiscal year 2022-23 to the Department of Corrections for 3 Prison Administration Coordinator positions, related costs to review, process and investigate additional claims of discrimination and to reimburse the Attorney General's office for work performed on the department's behalf.

The bill also includes an Other Special Revenue Funds allocation of \$134,448 beginning in fiscal year 2022-23 to establish one Assistant Attorney General position in the Litigation Division of the Office of the Attorney General and provide funding for related All Other costs.

Any additional costs to the Maine Human Rights Commission due to an increase in complaints filed are expected to be minor and can be absorbed within existing budgeted resources.