

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1598

H.P. 1187

House of Representatives, April 27, 2021

**An Act To Eliminate Taxpayer Subsidies for Discriminatory
Employers**

Reference to the Committee on Taxation suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative TERRY of Gorham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §784, sub-§1**, as amended by PL 1985, c. 388, §2, is further
3 amended to read:

4 **1. State action.** ~~No~~ An agency or individual employee of the State or state related
5 agencies ~~will~~ may not discriminate because of race, color, religious creed, sex, national
6 origin, ancestry, age, physical ~~handicap~~ disability or mental ~~handicap~~ disability while
7 providing any function or service to the public, in enforcing any regulation, or in any
8 education, counseling, vocational guidance, apprenticeship and on-the-job training
9 programs. Similarly, ~~no~~ a state or state related agency contractor, subcontractor, or labor
10 union or representative of the workers with which the contractor has an agreement, ~~will~~
11 may not discriminate unless based on a bona fide occupational qualification. State agencies
12 or related agencies ~~may~~ shall withhold financial assistance to any recipient found to be in
13 violation of the Maine Human Rights Act or the Federal Civil Rights Act. Any state agency
14 or related agency shall decline any job order carrying a specification or limitation as to
15 race, color, religious creed, sex, national origin, ancestry, age, physical ~~handicap~~ disability
16 or mental ~~handicap~~ disability, unless it is related to a bona fide job requirement.

17 **Sec. 2. 5 MRSA §787**, as amended by PL 1985, c. 388, §2, is repealed and the
18 following enacted in its place:

19 **§787. State financial assistance**

20 **1. Certain grants may not be approved.** A state agency or state related agency may
21 not approve a grant of state financial assistance to any recipient that has been found to have
22 engaged in discriminatory practices, including:

23 A. A person that has been found by the Maine Human Rights Commission to have
24 violated the Maine Human Rights Act in the 60 months prior to the grant of state
25 financial assistance;

26 B. A person that has been found by the Department of Labor to have violated any of
27 the employment practices requirements within Title 26, chapter 7 in the 60 months
28 prior to the grant of state financial assistance;

29 C. A person that has been found by the United States Equal Employment Opportunity
30 Commission to have violated federal civil rights law in the 60 months prior to the grant
31 of state financial assistance; and

32 D. A person that has been found by the United States Department of Labor to have
33 violated the United States Fair Labor Standards Act of 1938 in the 60 months prior to
34 the grant of state financial assistance.

35 **2. Submission of information to Maine Human Rights Commission.** A recipient
36 of state financial assistance shall submit to the Maine Human Rights Commission, at its
37 request, information relating to the recipient's operations with regard to race, color,
38 religious creed, sex, sexual orientation, national origin, ancestry, age, physical disability or
39 mental disability. The information must be furnished on a form to be prescribed by the
40 Maine Human Rights Commission.

41 **Sec. 3. 36 MRSA §691, sub-§1, ¶B**, as enacted by PL 2005, c. 623, §1, is amended
42 to read:

- 1 B. "Excluded person" means:
- 2 (1) A public utility as defined in Title 35-A, section 102, subsection 13;
- 3 (2) A person that provides radio paging service as defined in Title 35-A, section
- 4 102, subsection 15;
- 5 (3) A person that provides mobile telecommunications services as defined in Title
- 6 35-A, section 102, subsection 9-A;
- 7 (4) A cable television company as defined in Title 30-A, section 2001, subsection
- 8 2;
- 9 (5) A person that provides satellite-based direct television broadcast services; or
- 10 (6) A person that provides multichannel, multipoint television distribution
- 11 services;
- 12 (7) A person that has been found by the Maine Human Rights Commission to have
- 13 violated the Maine Human Rights Act in the 60 months prior to approval of the
- 14 exemption;
- 15 (8) A person that has been found by the Department of Labor to have violated any
- 16 of the employment practices requirements within Title 26, chapter 7 in the 60
- 17 months prior to approval of the exemption;
- 18 (9) A person that has been found by the United States Equal Employment
- 19 Opportunity Commission to have violated federal civil rights law in the 60 months
- 20 prior to approval of the exemption; or
- 21 (10) A person that has been found by the United States Department of Labor to
- 22 have violated the federal Fair Labor Standards Act of 1938 in the 60 months prior
- 23 to approval of the exemption.

24 **Sec. 4. 36 MRSA §5219-YY** is enacted to read:

25 **§5219-YY. Exclusion of discriminatory employers**

26 **1. Ineligibility for tax credits.** Notwithstanding any provision of law to the contrary,

27 the following persons are not eligible for the credits in this chapter:

28 A. A person that has been found by the Maine Human Rights Commission to have

29 violated the Maine Human Rights Act in the 60 months prior to claiming a credit;

30 B. A person that has been found by the Department of Labor to have violated any of

31 the employment practices requirements within Title 26, chapter 7 in the 60 months

32 prior to claiming a credit;

33 C. A person that has been found by the United States Equal Employment Opportunity

34 Commission to have violated federal civil rights law in the 60 months prior to claiming

35 a credit; and

36 D. A person that has been found by the United States Department of Labor to have

37 violated the federal Fair Labor Standards Act of 1938 in the 60 months prior to claiming

38 a credit.

39 **Sec. 5. 36 MRSA §6652, sub-§1-A,** as enacted by PL 1997, c. 24, Pt. C, §14, is

40 amended to read:

