

# MAINE STATE LEGISLATURE

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Date 6/12/23 Majority (Filing No H- 467) L.D. 279

JUDICIARY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to HP 177, LD 279, "An Act to Protect Against Discrimination by Public Entities"

Amend the bill by inserting before section 1 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'

Amend the bill by striking out all of section 9 and inserting the following

'Sec. 9. 5 MRSA §4630 is enacted to read:

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

**1. Unlawful discrimination.** A public entity may not discriminate against an individual, exclude an individual from participation in a service, program or activity of that public entity or otherwise deny to an individual the benefits of a service, program or activity of that public entity by reason of the individual's race or color, sex, sexual orientation or gender identity, age, physical or mental disability, religion, ancestry or national origin

**2. Exception; direct threat.** This section does not require a public entity to permit an individual to participate in or benefit from a service, program or activity of a public entity when the individual poses a direct threat to the health or safety of others. For the purposes of this subsection, "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of a policy, practice or procedure or by the provision of an auxiliary aid or service

**3. Continued applicability.** This section does not diminish the applicability of other provisions of this chapter to public entities acting as employers, providing public accommodations or education or acting as providers of credit or housing

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

**COMMITTEE AMENDMENT**

1	<b>Administration - Attorney General 0310</b>		
2	Initiative Establishes one Assistant Attorney General position in the litigation division and		
3	provides funding for related All Other costs		
4	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
5	POSITIONS - LEGISLATIVE COUNT	1 000	1 000
6	Personal Services	\$89,018	\$122,242
7	All Other	\$6,519	\$8,692
8			
9	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$95,537</u>	<u>\$130,934</u>
10			
11	<b>ATTORNEY GENERAL, DEPARTMENT OF THE</b>		
12	<b>DEPARTMENT TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
13			
14	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$95,537</b>	<b>\$130,934</b>
15			
16	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$95,537</b></u>	<u><b>\$130,934</b></u>
17	<b>CORRECTIONS, DEPARTMENT OF</b>		
18	<b>Administration - Corrections 0141</b>		
19	Initiative Provides funding for one Correctional Care and Treatment Worker position,		
20	Assistant Attorney General billing costs and other related costs to investigate claims made		
21	to the Maine Human Rights Commission and submit relevant documents, data and records		
22	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
23	POSITIONS - LEGISLATIVE COUNT	0 000	1 000
24	Personal Services	\$0	\$100,140
25	All Other	\$0	\$118,424
26			
27	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$218,564</u>
28			
29	<b>CORRECTIONS, DEPARTMENT OF</b>		
30	<b>DEPARTMENT TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
31			
32	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$218,564</b>
33			
34	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$0</b></u>	<u><b>\$218,564</b></u>
35			
36	<b>SECTION TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
37			
38	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$218,564</b>
39	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$95,537</b>	<b>\$130,934</b>
40			
41	<b>SECTION TOTAL - ALL FUNDS</b>	<u><b>\$95,537</b></u>	<u><b>\$349,498</b></u>
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Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

**SUMMARY**

This amendment, which is the majority report of the committee, provides that, like a place of public accommodation, a public entity is not required by the Maine Human Rights Act to permit an individual to participate in the public entity's services, programs or activities if that individual poses a direct threat to the health or safety of others that cannot be eliminated by a modification of the public entity's policies, practices or procedures or by the provision of auxiliary aids or services. The amendment makes a technical change to the bill. The amendment adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)



# 131st MAINE LEGISLATURE

LD 279

LR 270(02)

## An Act to Protect Against Discrimination by Public Entities

Fiscal Note for Bill as Amended by Committee Amendment *A (H-467)*

Committee: Judiciary

Fiscal Note Required: Yes

### Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$218,564	\$221,291	\$230,292
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$218,564	\$221,291	\$230,292
Other Special Revenue Funds	\$95,537	\$130,934	\$135,335	\$139,894

#### 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 will increase General Fund revenue by minor amounts.

#### Fiscal Detail and Notes

This bill includes Other Special Revenue Funds allocations of \$95,537 in fiscal year 2023-24 and \$130,934 in fiscal year 2024-25 to establish one Assistant Attorney General position, effective October 1, 2023, in the Litigation Division of the Office of the Attorney General and provide funding for related All Other costs.

The bill includes General Fund appropriations to the Department of Corrections of \$218,564 in fiscal year 2024-25 for one Correctional Care and Treatment Worker position, Assistant Attorney General billing costs and other related costs to investigate claims made to the Maine Human Rights Commission.

Any additional costs to the Maine Human Rights Commission from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.