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Date: (Filing No. H-)

JUDICIARY

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

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Sec. 2. 5 MRSA §4553, sub-§8-D, ¶B, as amended by PL 2019, c. 464, §1, is repealed.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

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	\$0	\$134,448

37

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

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

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			

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
9			

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)**