1	L.D. 1157			
2	Date: (Filing No. H-)			
3	LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT			
4	Reproduced and distributed under the direction of the Clerk of the House.			
5	STATE OF MAINE			
6	HOUSE OF REPRESENTATIVES			
7	126TH LEGISLATURE			
8	FIRST REGULAR SESSION			
9 10	COMMITTEE AMENDMENT "" to H.P. 822, L.D. 1157, Bill, "An Act To Establish the Fair Chance for Employment Act"			
11 12	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:			
13	'Sec. 1. 26 MRSA c. 7, sub-c. 1-C is enacted to read:			
14	SUBCHAPTER 1-C			
15	FAIR CHANCE FOR EMPLOYMENT ACT			
16	<u>§614. Short title</u>			
17	This subchapter may be known and cited as "the Fair Chance for Employment Act."			
18	§615. Definitions			
19 20	As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.			
21 22	1. Current employment status. "Current employment status" means an individual's current status as employed or unemployed.			
23 24 25	2. Employer. "Employer" means a person engaged in commerce or any industry or activity affecting commerce that has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year and includes:			
26 27	A. A person who acts, directly or indirectly, in the interest of an employer with respect to employing individuals to work for the employer; and			
28	B. Any successor in interest of an employer.			
29 30	3. Employment agency. "Employment agency" means a person regularly undertaking, with compensation and for profit, to procure employees for an employer or			

Page 1 - 126LR0018(02)-1

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT " " to H.P. 822, L.D. 1157

1 to procure for individuals opportunities to work for an employer and includes an agent of 2 such a person. 3 **4.** Online job website. "Online job website" means any publicly accessible website 4 that provides online job postings. 5. Person. "Person" means an individual, partnership, association, corporation, 5 6 business trust, legal representative or any organized group of persons. 7 §616. Prohibited acts 8 1. Employers; unlawful practices. An employer may not publish, in print, on the 9 Internet or in any other medium, an advertisement or announcement for a job vacancy 10 that includes: 11 A. A provision stating or indicating that current employment status is a requirement 12 or qualification for the job; or 13 B. A provision stating or indicating that an employer will not consider an individual 14 for employment based on current employment status. 15 2. Employment agencies; unlawful practices. An employment agency may not publish, in print, on the Internet or in any other medium, an advertisement or 16 announcement for a job vacancy that includes: 17 18 A. A provision stating or indicating that current employment status is a requirement 19 or qualification for the job; or 20 B. A provision stating or indicating that the employer will not consider individuals 21 for employment based on current employment status. 22 **3.** Online job websites; unlawful practices. A person may not publish on an online job website an advertisement or announcement for a job vacancy that includes: 23 24 A. A provision stating or indicating that current employment status is a requirement 25 or qualification for the job; or 26 B. A provision stating or indicating that the employer will not consider individuals 27 for employment based on current employment status. 28 **4.** Civil violation. A person that violates subsection 1, 2 or 3 commits a civil 29 violation for which a fine of not less than \$250 and not more than \$1,000 for each 30 violation, payable to the State, may be adjudged. 31 §617. Exception 32 This subchapter does not apply to instances in which current employment status is a 33 bona fide occupational qualification reasonably necessary to successful performance in 34 the job. 35 §618. Employment history 36 Nothing in this subchapter is intended to preclude an employer or employment 37 agency from considering an individual's employment history or from examining the 38 reasons underlying an individual's employment status in assessing an individual's ability 39 to perform a job or otherwise making employment decisions about that individual.

Page 2 - 126LR0018(02)-1

COMMITTEE AMENDMENT

1 Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

3 LABOR, DEPARTMENT OF

4 Regulation and Enforcement 0159

5 Initiative: Provides funding for one Labor and Safety Inspector position and associated 6 All Other costs due to an expected increase in education, outreach and enforcement 7 activity as a result of the prohibition against employers and employment agencies 8 advertising that current employment status is a qualification or requirement for a job.

9	GENERAL FUND	2013-14	2014-15
10	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
11	Personal Services	\$43,031	\$59,871
12	All Other	\$9,900	\$13,200
13			
14	GENERAL FUND TOTAL	\$52,931	\$73,071
15	,		

SUMMARY

17 This amendment, which is the majority report of the Joint Standing Committee on 18 Labor, Commerce, Research and Economic Development, changes the bill establishing the Fair Chance for Employment Act by striking most of the bill except for the 19 prohibition on employers and employment agencies advertising in print, on the Internet or 20 in any other medium that current employment status is a qualification or requirement for 21 a job or that the employer will not consider an applicant based on current employment 22 23 Similarly, no person may advertise on an online job posting that current status. employment status is a qualification or requirement for a job or that the employer will not 24 25 consider an applicant based on current employment status.

The only penalty from the bill that the amendment retains is the fine of \$250 to \$1,000 for each violation. The amendment also retains the bill's exception for instances when current employment status is related to a bona fide occupational requirement and clarifies that an employer or employment agency retains the right to consider employment history or the reasons underlying an individual's employment status when making employment decisions about an individual.

33 FISCAL NOTE REQUIRED

16

34

(See attached)

Page 3 - 126LR0018(02)-1

COMMITTEE AMENDMENT