**An Act To Protect against Discrimination by Public Entities**

L.D. 982

Date: (Filing No. H- )

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**Sec. 2. 5 MRSA §4553, sub-§8-D, ¶B,** as amended by PL 2019, c. 464, §1, is repealed.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

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

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

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

**Sec. 9. 5 MRSA §4592, sub-§1, ¶E,** as enacted by PL 1995, c. 393, §22, is repealed.

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

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

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

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

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

**ATTORNEY GENERAL, DEPARTMENT OF THE**

**Administration - Attorney General 0310**

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

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| --- | --- | --- |
| **OTHER SPECIAL REVENUE FUNDS** | **2021-22** | **2022-23** |
| POSITIONS - LEGISLATIVE COUNT | 0.000 | 1.000 |
| Personal Services | $0 | $128,275 |
| All Other | $0 | $6,173 |
|  | \_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_ |
| OTHER SPECIAL REVENUE FUNDS TOTAL | $0 | $134,448 |

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| **ATTORNEY GENERAL, DEPARTMENT OF THE** |  |  |
| **DEPARTMENT TOTALS** | **2021-22** | **2022-23** |
|  |  |  |
| **OTHER SPECIAL REVENUE FUNDS** | **$0** | **$134,448** |
|  | \_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_ |
| **DEPARTMENT TOTAL - ALL FUNDS** | **$0** | **$134,448** |

**CORRECTIONS, DEPARTMENT OF**

**Administration - Corrections 0141**

Initiative: Provides funding to reimburse the Attorney General's office for costs incurred on behalf of the department.

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| **GENERAL FUND** | **2021-22** | **2022-23** |
| All Other | $0 | $134,448 |
|  | \_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_ |
| GENERAL FUND TOTAL | $0 | $134,448 |

**Correctional Center 0162**

Initiative: Provides funding for one Prison Administration Coordinator position and related costs to review, process and investigate additional claims of discrimination.

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| **GENERAL FUND** | **2021-22** | **2022-23** |
| POSITIONS - LEGISLATIVE COUNT | 0.000 | 1.000 |
| Personal Services | $0 | $113,859 |
| All Other | $0 | $6,980 |
|  | \_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_ |
| GENERAL FUND TOTAL | $0 | $120,839 |

**Mountain View Correctional Facility 0857**

Initiative: Provides funding for one Prison Administration Coordinator position and related costs to review, process and investigate additional claims of discrimination.

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| **GENERAL FUND** | **2021-22** | **2022-23** |
| POSITIONS - LEGISLATIVE COUNT | 0.000 | 1.000 |
| Personal Services | $0 | $113,859 |
| All Other | $0 | $6,980 |
|  | \_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_ |
| GENERAL FUND TOTAL | $0 | $120,839 |

**State Prison 0144**

Initiative: Provides funding for one Prison Administration Coordinator position and related costs to review, process and investigate additional claims of discrimination.

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| **GENERAL FUND** | **2021-22** | **2022-23** |
| POSITIONS - LEGISLATIVE COUNT | 0.000 | 1.000 |
| Personal Services | $0 | $113,859 |
| All Other | $0 | $6,980 |
|  | \_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_ |
| GENERAL FUND TOTAL | $0 | $120,839 |

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| **CORRECTIONS, DEPARTMENT OF** |  |  |
| **DEPARTMENT TOTALS** | **2021-22** | **2022-23** |
|  |  |  |
| **GENERAL FUND** | **$0** | **$496,965** |
|  | \_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_ |
| **DEPARTMENT TOTAL - ALL FUNDS** | **$0** | **$496,965** |

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| **SECTION TOTALS** | **2021-22** | **2022-23** |
|  |  |  |
| **GENERAL FUND** | **$0** | **$496,965** |
| **OTHER SPECIAL REVENUE FUNDS** | **$0** | **$134,448** |
|  | \_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_ |
| **SECTION TOTAL - ALL FUNDS** | **$0** | **$631,413** |

'

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

**SUMMARY**

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

**FISCAL NOTE REQUIRED**

**(See attached)**