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

COMMITTEE AMENDMENT “ ” to H.P. 177, L.D. 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

1	Administration - Attorney General 0310		
2	Initiative: Establishes one Assistant Attorney General position in the litigation division and		
3	provides funding for related All Other costs.		
4	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
5	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
6	Personal Services	\$89,018	\$122,242
7	All Other	\$6,519	\$8,692
8			
9	OTHER SPECIAL REVENUE FUNDS TOTAL	\$95,537	\$130,934
10			
11	ATTORNEY GENERAL, DEPARTMENT OF THE		
12	DEPARTMENT TOTALS	2023-24	2024-25
13			
14	OTHER SPECIAL REVENUE FUNDS	\$95,537	\$130,934
15			
16	DEPARTMENT TOTAL - ALL FUNDS	\$95,537	\$130,934
17	CORRECTIONS, DEPARTMENT OF		
18	Administration - Corrections 0141		
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	GENERAL FUND	2023-24	2024-25
23	POSITIONS - LEGISLATIVE COUNT	0,000	1,000
24	Personal Services	\$0	\$100,140
25	All Other	\$0	\$118,424
26			
27	GENERAL FUND TOTAL	\$0	\$218,564
28			
29	CORRECTIONS, DEPARTMENT OF		
30	DEPARTMENT TOTALS	2023-24	2024-25
31			
32	GENERAL FUND	\$0	\$218,564
33			
34	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$218,564
35			
36	SECTION TOTALS	2023-24	2024-25
37			
38	GENERAL FUND	\$0	\$218,564
39	OTHER SPECIAL REVENUE FUNDS	\$95,537	\$130,934
40			
41	SECTION TOTAL - ALL FUNDS	\$95,537	\$349,498
42			

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

3 **SUMMARY**

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

11 **FISCAL NOTE REQUIRED**

12 **(See attached)**