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LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 822, L.D. 1157, Bill, “An Act To Establish the Fair Chance for Employment Act”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 26 MRSA c. 7, sub-c. 1-C is enacted to read:

SUBCHAPTER 1-C

FAIR CHANCE FOR EMPLOYMENT ACT

§614. Short title

This subchapter may be known and cited as "the Fair Chance for Employment Act."

§615. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Current employment status. "Current employment status" means an individual's current status as employed or unemployed.

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:

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

B. Any successor in interest of an employer.

3. Employment agency. "Employment agency" means a person regularly undertaking, with compensation and for profit, to procure employees for an employer or

COMMITTEE AMENDMENT

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 **5. Person.** "Person" means an individual, partnership, association, corporation,
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
16 publish, in print, on the Internet or in any other medium, an advertisement or
17 announcement for a job vacancy that includes:

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
23 job website an advertisement or announcement for a job vacancy that includes:

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.

