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Joint Standing Committee on Judiciary
Testimony of GLBTQ Legal Advocates & Defenders & Maine Transgender Network and
OUT Maine

LD 279: An Act to Protect Against Discrimination by Public Entities

March 30, 2023

Senator Carney, Representative Moonen, and honorable members of the Judiciary Committee: my name is Quinn Gormley, I am the Executive Director of MaineTransNet, and I am testifying today for myself as Executive Director of MaineTransNet and for Mary Bonauto, attorney at GLBTQ Legal Advocates & Defenders, in support of LD 279, An Act to Protect Against Discrimination by Public Entities. Our testimony today is joined by OUT Maine.

No one should face discrimination because of who they are when they engage with public entities, whether municipal clerks' offices, agencies, at the legislature, or in state prisons or county jails, among others.

Some "public entities," meaning governmental entities, are also places of "public accommodation" and hold themselves out to the public to provide goods and services. Any place of public accommodation, whether a private business or a governmental entity, must comply with the Maine Human Rights Act's nondiscrimination requirements.

An individual frequenting a public accommodation - private or governmental - has protections against: discrimination "in any manner"; denial of the "full and equal enjoyment" of such places, including because of harassment or hostile environments; and "discriminat[ion] ... in the ... terms or conditions upon which access to accommodations, advantages, facilities, goods, services and privileges may depend." 5 MRS sec. 4592 (1). Persons mistreated in ways the law prohibits by reason of their race or color, sex, sexual orientation or gender identity, age, physical or mental disability, religion, ancestry or national origin are authorized, should they wish, to bring a complaint of discrimination to the Maine Human Rights Commission for redress.

We are deeply concerned that only some public entities are expressly obligated to follow our nondiscrimination laws rather than *all* public entities. This bill remedies that omission and makes the obligation not to discriminate specific. While we believe in the good will of

public entities and the people serving the public, the proposed new section 4630 of Title 5 (sec. 9 of the bill), clarifies what the law expects of those public entities and their employees for them and for the general public.

The Maine Human Rights Commission has a clear and efficient process for handling complaints, including the possibility of administrative dismissal when a complaint is outside of the law, as well as investigation and fact finding, and conciliation processes. This is a more accessible and responsive system for Maine people than the alternative, that is, leaving the person the daunting task of filing a state or federal lawsuit for any number of constitutional violations due to mistreatment by a public entity or its employees.

Even in more challenging situations, such as the prisons and jails, leaders of those entities want people to be safe and they also abjure discrimination. This bill offers a springboard to all public entities to work with staff and residents/members of the public to ensure equal application of rules and standards. Doing so would likely improve the health and safety of all persons held in or working at such facilities.

We urge you to vote ought to pass on this bill and clarify that our nondiscrimination law applies to all public entities in Maine. Thank you.

Mary Bonauto, GLAD Attorney
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