

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Ninth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 5, 2018

beginning at Page 1

Bill **READ ONCE**.

Committee Amendment "A" (H-631) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Improve Consistency within the Maine Human Rights Act"
H.P. 1218 L.D. 1703

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-643)**.

Signed:

Senators:

CARPENTER of Aroostook
BELLOWS of Kennebec

Representatives:

BAILEY of Saco
BABIDGE of Kennebunk
CARDONE of Bangor
CURTIS of Madison
EVANGELOS of Friendship
HARNETT of Gardiner
RECKITT of South Portland
TALBOT ROSS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

KEIM of Oxford

Representatives:

DeVEAU of Caribou
HAGGAN of Hampden

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-643)**.

Reports **READ**.

Senator **CARPENTER** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **TIMBERLAKE** of Androscoggin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Keim.

Senator **KEIM:** Thank you, Mr. President. This is one of many bills that is doing an overhaul to the Maine Human Rights Act and overall all of them would seem to suggest that there's a deteriorating employment culture at the expense of our society's most vulnerable. However, there is no data to suggest that there is any such thing. Also, all of these bills are slanted heavily towards the aggrieved person. It is not a balanced redo of the Maine Human Rights Act. It slants heavily towards the aggrieved person and I will talk more about that in the other bills that are coming up. In 1703, it substantially expands the definition of what makes a family and reading from the Chamber's testimony they find this very problematic. This, again, Human Rights Act applies to small employers with this. So this proposed family now basically includes any household with an infirmed or disabled person and that does not meet the definition, they do not have to meet the definition under the Act of having a disability. So, it's also just someone that has someone under the age of 18 in their household. So, when you add familial status, which has been broadly expanded in this bill, into the list of protected classes for employers that basically renders the State and federal FMLAs little help to employers. With present FMLAs, the employers know what and when they need to provide leave and the employees know what leave they are entitled to. In addition, any employers with fewer than 15 employees are currently not required to comply with the federal FLMA law but the proposed change here would sweep in all employers, regardless of size. So this is going to be a very difficult burden on our small employers and I would ask you to follow my light.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I must respectfully disagree with my colleague on the committee from Oxford. I don't think this is a significant, an overly significant, change. She's correct in the familial status definition is changing here because what our families look like changes. I'll give you one good example. This would add to familial status a situation where there's a family unit with 'one or more individuals who have not attained the age of 18 and that are living with a parent or designee of the parent or a custodian' and the situation where somebody is speaking for somebody else. This would prevent an employer from discriminating against a person based on familial status if that were, in fact, their status. The other thing, a couple of other minor changes in this bill we had added to the Maine Human Rights Act every place where we've added protection over the years for persons involved with sexual orientation discrimination claims. We are now adding the term 'gender identity' and we're defining gender identity. If the Senate accepts the Ought to Pass Report I will then be offering an amendment to take out a conflict with

another bill with regard to the issue of pregnancy. Thank you, Mr. President.

Sent down for concurrence.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#338)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CARPENTER** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-643) **READ** and **ADOPTED**, in concurrence.

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **CARPENTER** of Aroostook, Senate Amendment "A" (S-349) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. This simply strikes out two section of this bill which are covered in a previously engrossed bill, L.D. 666. Just avoids duplication. Thank you.

On motion by Senator **CARPENTER** of Aroostook, Senate Amendment "A" (S-349) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-643) AND SENATE AMENDMENT "A" (S-349)**, in **NON-CONCURRENCE**.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Clarify Various Provisions of the Maine Human Rights Act" H.P. 1216 L.D. 1701

Reported that the same **Ought to Pass**.

Signed:

Senators:
CARPENTER of Aroostook
BELLOWS of Kennebec

Representatives:
BAILEY of Saco
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
HARNETT of Gardiner
RECKITT of South Portland
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Reports **READ**.

Senator **CARPENTER** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

On motion by Senator **KEIM** of Oxford, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Keim.