

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

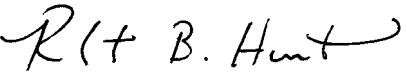
No. 1432

H.P. 941

House of Representatives, April 3, 2025

An Act to Remove Consideration of Gender Identity from the Maine Human Rights Act

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative SOBOLESKI of Phillips.
Cosponsored by Senator MARTIN of Oxford and
Representatives: DRINKWATER of Milford, FREDERICKS of Sanford, MCINTYRE of
Lowell, PAUL of Winterport, PERKINS of Dover-Foxcroft, SMITH of Palermo, Senators:
HAGGAN of Penobscot, STEWART of Aroostook.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §4552**, as amended by PL 2021, c. 366, §1, is further amended to
3 read:

4 **§4552. Policy**

5 To protect the public health, safety and welfare, it is declared to be the policy of this
6 State to keep continually in review all practices infringing on the basic human right to a
7 life with dignity, and the causes of these practices, so that corrective measures may, where
8 possible, be promptly recommended and implemented, and to prevent discrimination in
9 employment, housing, education, extension of credit or access to public accommodations
10 on account of an individual's actual or perceived race, color, sex, sexual orientation ~~or~~
11 ~~gender identity~~, physical or mental disability, religion, ancestry or national origin and in
12 employment, extension of credit and access to public accommodations on the basis of age;
13 and in employment and housing on the basis of familial status; and in employment because
14 of the previous assertion of a claim or right against a prior employer under former Title 39
15 or Title 39-A and because of protected activity under Title 26, chapter 7, subchapter 5-B;
16 and to prevent discrimination or retaliation on the basis of an assertion of rights under this
17 Act or interference with an individual's right to be free from discrimination prohibited
18 under this Act.

19 **Sec. 2. 5 MRSA §4553, sub-§5-C**, as enacted by PL 2019, c. 464, §1, is repealed.

20 **Sec. 3. 5 MRSA §4553, sub-§10, ¶G**, as amended by PL 2023, c. 489, §5, is further
21 amended to read:

22 G. Discrimination in employment, housing, public accommodation, credit and
23 educational opportunity on the basis of sexual orientation ~~or gender identity~~, except
24 that a religious corporation, association or organization that does not receive public
25 funds is exempt from this provision with respect to:

26 (1) Employment, as is more fully set forth in section 4553, subsection 4 and section
27 4573-A;

28 (2) Housing; and

29 (3) Educational opportunity.

30 Any for-profit organization owned, controlled or operated by a religious association or
31 corporation and subject to the provisions of the United States Internal Revenue Code
32 of 1986, 26 United States Code, Section 511(a) is not covered by the exemptions set
33 forth in this paragraph; and

34 **Sec. 4. 5 MRSA §4571**, as amended by PL 2021, c. 366, §4, is further amended to
35 read:

36 **§4571. Right to freedom from discrimination in employment**

37 The opportunity for an individual to secure employment without discrimination
38 because of race, color, sex, sexual orientation ~~or gender identity~~, physical or mental
39 disability, religion, age, ancestry, national origin or familial status is recognized as and
40 declared to be a civil right.

1 **Sec. 5. 5 MRSA §4572, sub-§1**, as amended by PL 2021, c. 293, Pt. B, §2 and c.
2 366, §5 and c. 476, §1, is further amended to read:

3 **1. Unlawful employment discrimination.** It is unlawful employment discrimination,
4 in violation of this Act, except when based on a bona fide occupational qualification:

5 A. For any employer to fail or refuse to hire or otherwise discriminate against any
6 applicant for employment because of race or color, sex, sexual orientation ~~or gender~~
7 ~~identity~~, physical or mental disability, religion, age, ancestry, national origin or familial
8 status, because of the applicant's previous assertion of a claim or right under former
9 Title 39 or Title 39-A, because of previous actions taken by the applicant that are
10 protected under Title 26, chapter 7, subchapter 5-B or because the applicant sought and
11 received an order of protection under Title 19-A, section 4007; or, because of those
12 reasons, to discharge an employee or discriminate with respect to hire, tenure,
13 promotion, transfer, compensation, terms, conditions or privileges of employment or
14 any other matter directly or indirectly related to employment; or, in recruiting of
15 individuals for employment or in hiring them, to utilize any employment agency that
16 the employer knows or has reasonable cause to know discriminates against individuals
17 because of their race or color, sex, sexual orientation ~~or gender identity~~, physical or
18 mental disability, religion, age, ancestry, national origin or familial status, because of
19 their previous assertion of a claim or right under former Title 39 or Title 39-A, because
20 of previous actions that are protected under Title 26, chapter 7, subchapter 5-B or
21 because the applicant sought and received an order of protection under Title 19-A,
22 section 4007.

23 (1) This paragraph does not apply to discrimination governed by Title 39-A,
24 section 353;

25 B. For any employment agency to fail or refuse to classify properly, refer for
26 employment or otherwise discriminate against any individual because of race or color,
27 sex, sexual orientation ~~or gender identity~~, physical or mental disability, religion, age,
28 ancestry, national origin or familial status, because of the individual's previous
29 assertion of a claim or right under former Title 39 or Title 39-A, because of previous
30 actions taken by the individual that are protected under Title 26, chapter 7, subchapter
31 5-B or because the individual sought and received an order of protection under Title
32 19-A, section 4007; or to comply with an employer's request for the referral of job
33 applicants if a request indicates either directly or indirectly that the employer will not
34 afford full and equal employment opportunities to individuals regardless of their race
35 or color, sex, sexual orientation ~~or gender identity~~, physical or mental disability,
36 religion, age, ancestry, national origin or familial status, because of previous assertion
37 of a claim or right under former Title 39 or Title 39-A, because of previous actions that
38 are protected under Title 26, chapter 7, subchapter 5-B or because the individual sought
39 and received an order of protection under Title 19-A, section 4007;

40 C. For any labor organization to exclude from apprenticeship or membership or to
41 deny full and equal membership rights to any applicant for membership because of race
42 or color, sex, sexual orientation ~~or gender identity~~, physical or mental disability,
43 religion, age, ancestry, national origin or familial status, because of the applicant's
44 previous assertion of a claim or right under former Title 39 or Title 39-A, because of
45 previous actions taken by the applicant that are protected under Title 26, chapter 7,

1 subchapter 5-B or because the applicant sought and received an order of protection
2 under Title 19-A, section 4007; or, because of those reasons, to deny a member full
3 and equal membership rights, expel from membership, penalize or otherwise
4 discriminate with respect to hire, tenure, promotion, transfer, compensation, terms,
5 conditions or privileges of employment, representation, grievances or any other matter
6 directly or indirectly related to membership or employment, whether or not authorized
7 or required by the constitution or bylaws of that labor organization or by a collective
8 labor agreement or other contract; to fail or refuse to classify properly or refer for
9 employment or otherwise discriminate against any member because of race or color,
10 sex, sexual orientation or ~~gender identity~~, physical or mental disability, religion, age,
11 ancestry, national origin or familial status, because of the member's previous assertion
12 of a claim or right under former Title 39 or Title 39-A, because of previous actions
13 taken by the member that are protected under Title 26, chapter 7, subchapter 5-B or
14 because the applicant sought and received an order of protection under Title 19-A,
15 section 4007; or to cause or attempt to cause an employer to discriminate against an
16 individual in violation of this section, except that it is lawful for labor organizations
17 and employers to adopt a maximum age limitation in apprenticeship programs, if the
18 employer or labor organization obtains prior approval from the Maine Human Rights
19 Commission of any maximum age limitation employed in an apprenticeship program.
20 The commission shall approve the age limitation if a reasonable relationship exists
21 between the maximum age limitation employed and a legitimate expectation of the
22 employer in receiving a reasonable return upon the employer's investment in an
23 apprenticeship program. The employer or labor organization bears the burden of
24 demonstrating that such a relationship exists;

25 D. For any employer, employment agency or labor organization, prior to employment
26 or admission to membership of any individual, to:

27 (1) Elicit or attempt to elicit information directly or indirectly pertaining to race
28 or color, sex, sexual orientation or ~~gender identity~~, physical or mental disability,
29 religion, age, ancestry, national origin or familial status, any previous assertion of
30 a claim or right under former Title 39 or Title 39-A, any previous actions that are
31 protected under Title 26, chapter 7, subchapter 5-B or any previous actions seeking
32 and receiving an order of protection under Title 19-A, section 4007;

33 (2) Make or keep a record of race or color, sex, sexual orientation or ~~gender~~
34 ~~identity~~, physical or mental disability, religion, age, ancestry, national origin or
35 familial status, any previous assertion of a claim or right under former Title 39 or
36 Title 39-A, any previous actions that are protected under Title 26, chapter 7,
37 subchapter 5-B or any previous actions seeking and receiving an order of protection
38 under Title 19-A, section 4007, except that, in relation to physical or mental
39 disability, when an employer requires a physical or mental examination prior to
40 employment, a privileged record of that examination is permissible if made and
41 kept in compliance with this Act;

42 (3) Use any form of application for employment, or personnel or membership
43 blank containing questions or entries directly or indirectly pertaining to race or
44 color, sex, sexual orientation or ~~gender identity~~, physical or mental disability,
45 religion, age, ancestry, national origin or familial status, any previous assertion of
46 a claim or right under former Title 39 or Title 39-A, any previous actions that are

protected under Title 26, chapter 7, subchapter 5-B or any previous actions seeking and receiving an order of protection under Title 19-A, section 4007. This section does not prohibit any officially recognized government agency from keeping records permitted to be kept under this Act in order to provide free services to individuals requesting rehabilitation or employment assistance;

(4) Print, publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race or color, sex, sexual orientation ~~or gender identity~~, physical or mental disability, religion, age, ancestry, national origin or familial status, any previous assertion of a claim or right under former Title 39 or Title 39-A, any previous actions that are protected under Title 26, chapter 7, subchapter 5-B or any previous actions seeking and receiving an order of protection under Title 19-A, section 4007; or

(5) Establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, sex, sexual orientation ~~or gender identity~~, physical or mental disability, religion, age, ancestry, national origin or familial status, because of the previous assertion of a claim or right under former Title 39 or Title 39-A, because of previous actions that are protected under Title 26, chapter 7, subchapter 5-B or because of any previous actions seeking and receiving an order of protection under Title 19-A, section 4007, of that group; or

E. For an employer, employment agency or labor organization to discriminate in any manner against individuals because they have opposed a practice that would be a violation of this Act or because they have made a charge, testified or assisted in any investigation, proceeding or hearing under this Act. This paragraph does not limit the liability of persons pursuant to section 4633.

Sec. 6. 5 MRSA §4581, first ¶, as amended by PL 2021, c. 366, §7 and c. 476, §2, is further amended to read:

The opportunity for an individual to secure housing in accordance with the individual's ability to pay, and without discrimination because of race, color, sex, sexual orientation ~~or gender identity~~, physical or mental disability, religion, ancestry, national origin or familial status or because the individual has sought and received an order of protection under Title 19-A, section 4007, is hereby recognized as and declared to be a civil right.

Sec. 7. 5 MRSA §4581-A, as amended by PL 2021, c. 366, §§8 to 10 and c. 476, §3, is further amended to read:

§4581-A. Unlawful housing discrimination

It is unlawful housing discrimination, in violation of this Act:

1. Sale or rental of housing and other prohibited practices. For any owner, lessee, sublessee, managing agent or other person having the right to sell or rent or manage a housing accommodation, or any agent of these, to:

A. Make or cause to be made any written or oral inquiry concerning the race or color, sex, sexual orientation ~~or gender identity~~, physical or mental disability, religion, ancestry, national origin, familial status or any previous actions seeking and receiving

1 an order of protection under Title 19-A, section 4007 of any prospective purchaser,
2 occupant or tenant of the housing accommodation;

3 B. Refuse to show or refuse to sell, rent, lease, let or otherwise deny to or withhold
4 from any person the housing accommodation because of race or color, sex, sexual
5 orientation ~~or gender identity~~, physical or mental disability, religion, ancestry, national
6 origin or familial status or because the person sought and received an order of
7 protection under Title 19-A, section 4007;

8 C. Make, print or publish or cause to be made, printed or published any notice,
9 statement or advertisement relating to the sale, rental or lease of the housing
10 accommodation that indicates any preference, limitation or discrimination based upon
11 race or color, sex, sexual orientation ~~or gender identity~~, physical or mental disability,
12 religion, ancestry, national origin, familial status or any previous actions seeking and
13 receiving an order of protection under Title 19-A, section 4007 or an intention to make
14 any such preference, limitation or discrimination;

15 D. Discriminate against any person because of race or color, sex, sexual orientation ~~or~~
16 ~~gender identity~~, physical or mental disability, religion, ancestry, national origin or
17 familial status or because the person sought and received an order of protection under
18 Title 19-A, section 4007 in the price, terms, conditions or privileges of the sale, rental
19 or lease of any housing accommodations or in the furnishing of facilities or services in
20 connection with any housing accommodations; or

21 E. Evict or attempt to evict any tenant of any housing accommodation because of the
22 race or color, sex, sexual orientation ~~or gender identity~~, physical or mental disability,
23 religion, ancestry, national origin or familial status of the tenant or because the tenant
24 sought and received an order of protection under Title 19-A, section 4007;

25 **2. Selling, brokering or appraising of housing.** For any real estate broker or real
26 estate salesperson, or any agent of these, to:

27 A. Fail or refuse to show any person a housing accommodation listed for sale, lease or
28 rent because of race or color, sex, sexual orientation ~~or gender identity~~, physical or
29 mental disability, religion, ancestry, national origin or familial status or because the
30 person sought and received an order of protection under Title 19-A, section 4007;

31 B. Misrepresent, for the purpose of discriminating because of race or color, sex, sexual
32 orientation ~~or gender identity~~, physical or mental disability, religion, ancestry, national
33 origin, familial status or any previous actions seeking and receiving an order of
34 protection under Title 19-A, section 4007, the availability or asking price of a housing
35 accommodation listed for sale, lease or rent or for such reason to fail to communicate
36 to the person having the right to sell, rent or lease the housing accommodation any
37 offer for the same made by any applicant;

38 C. In any other manner to discriminate against any applicant for a housing
39 accommodation because of race or color, sex, sexual orientation ~~or gender identity~~,
40 physical or mental disability, religion, ancestry, national origin or familial status or
41 because the applicant sought and received an order of protection under Title 19-A,
42 section 4007;

43 D. Make or cause to be made any written or oral inquiry or record concerning the race
44 or color, sex, sexual orientation ~~or gender identity~~, physical or mental disability,

1 religion, ancestry, national origin, familial status or any previous actions seeking and
2 receiving an order of protection under Title 19-A, section 4007 of any applicant for or
3 intended occupant of a housing accommodation; or

4 E. Accept for listing any housing accommodation when the person having the right to
5 sell, rent or lease the housing accommodation has directly or indirectly indicated an
6 intention of discriminating among prospective tenants or purchasers on the ground of
7 race or color, sex, sexual orientation ~~or gender identity~~, physical or mental disability,
8 religion, ancestry, national origin, familial status or any previous actions seeking and
9 receiving an order of protection under Title 19-A, section 4007, or when the broker or
10 salesperson knows or has reason to know that the person having the right to sell, rent
11 or lease the housing accommodation has made a practice of discrimination since July
12 1, 1972;

13 **3. Making of loans; other financial assistance.** For any person to whom application
14 is made for a loan or other form of financial assistance for the acquisition, construction,
15 rehabilitation, repair or maintenance of any housing accommodation, whether secured or
16 unsecured, or agent of the person, to:

17 A. Make or cause to be made any oral or written inquiry concerning the race or color,
18 sex, sexual orientation ~~or gender identity~~, physical or mental disability, religion,
19 ancestry, national origin, familial status or any previous actions seeking and receiving
20 an order of protection under Title 19-A, section 4007 of any applicant for financial
21 assistance or of existing or prospective occupants or tenants of housing
22 accommodations; or

23 B. Discriminate in the granting of financial assistance, or in the terms, conditions or
24 privileges relating to obtaining or the use of any financial assistance, against any
25 applicant because of race or color, sex, sexual orientation ~~or gender identity~~, physical
26 or mental disability, religion, ancestry, national origin, familial status or any previous
27 actions seeking and receiving an order of protection under Title 19-A, section 4007; or

28 **4. Receipt of public assistance.** For any person furnishing rental premises or public
29 accommodations to refuse to rent or impose different terms of tenancy to any individual
30 who is a recipient of federal, state or local public assistance, including medical assistance
31 and housing subsidies, primarily because of the individual's status as recipient.

32 **Sec. 8. 5 MRSA §4583**, as amended by PL 2021, c. 366, §11, is further amended to
33 read:

34 **§4583. Application**

35 Nothing in this Act may be construed to prohibit or limit the exercise of the privilege
36 of every person and the agent of any person having the right to sell, rent, lease or manage
37 a housing accommodation to set up and enforce specifications in the selling, renting,
38 leasing or letting or in the furnishings of facilities or services in connection with the
39 facilities that are consistent with business necessity and are not based on the race, color,
40 sex, sexual orientation ~~or gender identity~~, physical or mental disability, religion, country of
41 ancestral origin or familial status of or the receipt of public assistance payments by any
42 prospective or actual purchaser, lessee, tenant or occupant. Nothing in this Act may be
43 construed to prohibit or limit the exercise of the privilege of every person and the agent of
44 any person making loans for or offering financial assistance in the acquisition, construction,

1 rehabilitation, repair or maintenance of housing accommodations to set standards and
2 preferences, terms, conditions, limitations or specifications for the granting of loans or
3 financial assistance that are consistent with business necessity and are not based on the
4 race, color, sex, sexual orientation ~~or gender identity~~, physical or mental disability, religion,
5 country of ancestral origin or familial status of or the receipt of public assistance payments
6 by the applicant for a loan or financial assistance or of any existing or prospective owner,
7 lessee, tenant or occupant of a housing accommodation.

8 **Sec. 9. 5 MRSA §4591**, as amended by PL 2021, c. 366, §12, is further amended to
9 read:

10 **§4591. Equal access to public accommodations**

11 The opportunity for every individual to have equal access to places of public
12 accommodation without discrimination because of race, color, sex, sexual orientation ~~or~~
13 ~~gender identity~~, age, physical or mental disability, religion, ancestry or national origin is
14 recognized as and declared to be a civil right.

15 **Sec. 10. 5 MRSA §4592, sub-§1**, as amended by PL 2023, c. 489, §§7 to 9, is
16 further amended to read:

17 **1. Denial of public accommodations.** For any public accommodation or any person
18 who is the owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or
19 employee of any place of public accommodation to directly or indirectly refuse,
20 discriminate against or in any manner withhold from or deny the full and equal enjoyment
21 to any person, on account of race or color, sex, sexual orientation ~~or gender identity~~, age,
22 physical or mental disability, religion, ancestry or national origin, any of the
23 accommodations, advantages, facilities, goods, services or privileges of public
24 accommodation, or in any manner discriminate against any person in the price, terms or
25 conditions upon which access to accommodations, advantages, facilities, goods, services
26 and privileges may depend.

27 For purposes of this subsection, unlawful discrimination also includes, but is not limited
28 to:

29 A. The imposition or application of eligibility criteria that screen out or tend to screen
30 out an individual with a disability or any class of individuals with disabilities from fully
31 and equally enjoying any goods, services, facilities, privileges, advantages or
32 accommodations, unless the criteria can be shown to be necessary for the provision of
33 the goods, services, facilities, privileges, advantages or accommodations being offered;

34 B. A failure to make reasonable modifications in policies, practices or procedures,
35 when modifications are necessary to afford the goods, services, facilities, privileges,
36 advantages or accommodations to individuals with disabilities, unless, in the case of a
37 private entity, the private entity can demonstrate that making the modifications would
38 fundamentally alter the nature of the goods, services, facilities, privileges, advantages
39 or accommodations;

40 C. A failure to take steps that may be necessary to ensure that no individual with a
41 disability is excluded, denied services, segregated or otherwise treated differently than
42 other individuals because of the absence of auxiliary aids and services, unless, in the
43 case of a private entity, the private entity can demonstrate that taking those steps would

1 fundamentally alter the nature of the good, service, facility, privilege, advantage or
2 accommodation being offered or would result in an undue burden; and

3 D. A private entity's failure to remove architectural barriers and communication
4 barriers that are structural in nature in existing facilities and transportation barriers in
5 existing vehicles and rail passenger cars used by an establishment for transporting
6 individuals, not including barriers that can be removed only through the retrofitting of
7 vehicles or rail passenger cars by the installation of a hydraulic or other lift, where the
8 removal is readily achievable.

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

13 **Sec. 11. 5 MRSA §4592, sub-§2**, as amended by PL 2021, c. 366, §14, is further
14 amended to read:

15 **2. Communication, notice or advertisement.** For any person to directly or indirectly
16 publish, display or communicate any notice or advertisement to the effect that any of the
17 accommodations, advantages, facilities and privileges of any place of public
18 accommodation are refused, withheld from or denied to any person on account of race or
19 color, sex, sexual orientation ~~or gender identity~~, age, physical or mental disability, religion,
20 ancestry or national origin, or that the patronage or custom of any person belonging to or
21 purporting to be of any particular race or color, sex, sexual orientation ~~or gender identity~~,
22 age, physical or mental disability, religion, ancestry or national origin is unwelcome,
23 objectionable or not acceptable, desired or solicited, or that the clientele is restricted to any
24 particular race or color, sex, sexual orientation ~~or gender identity~~, age, physical or mental
25 disability, religion, ancestry or national origin. The production of any communication,
26 notice or advertisement purporting to relate to any place of accommodation is presumptive
27 evidence in any action that the action was authorized by its owner, manager or proprietor;

28 **Sec. 12. 5 MRSA §4595**, as amended by PL 2021, c. 366, §16, is further amended
29 to read:

30 **§4595. Right to freedom from discrimination solely on basis of age, race, color, sex,**
31 **sexual orientation ~~or gender identity~~, marital status, ancestry, religion or**
32 **national origin in any credit transaction**

33 The opportunity for every individual to be extended credit without discrimination
34 solely because of any one or more of the following factors: age; race; color; sex; sexual
35 orientation ~~or gender identity~~; marital status; ancestry; religion or national origin is
36 recognized as and declared to be a civil right.

37 **Sec. 13. 5 MRSA §4596**, as corrected by RR 2023, c. 2, Pt. B, §65, is amended to
38 read:

39 **§4596. Unlawful credit extension discrimination**

40 It is unlawful credit discrimination for any creditor to refuse the extension of credit to
41 any person solely on the basis of any one or more of the following factors: age, race, color,
42 sex, sexual orientation ~~or gender identity~~, marital status, ancestry, religion or national
43 origin in any credit transaction. It is not unlawful credit discrimination to comply with the

1 terms and conditions of any bona fide group credit life, accident and health insurance plan,
2 for a financial institution extending credit to a married person to require both spouses to
3 sign a note and a mortgage and to deny credit to persons under 18 years of age or to consider
4 a person's age in determining the terms upon which credit will be extended.

5 **Sec. 14. 5 MRSA §4601**, as amended by PL 2021, c. 366, §18, is further amended
6 to read:

7 **§4601. Right to freedom from discrimination in education**

8 The opportunity for an individual at an educational institution to participate in all
9 educational, counseling and vocational guidance programs, all apprenticeship and on-the-
10 job training programs and all extracurricular activities without discrimination because of
11 sex, sexual orientation or gender identity, a physical or mental disability, ancestry, national
12 origin, race, color or religion is recognized and declared to be a civil right.

13 **Sec. 15. 5 MRSA §4602, sub-§1**, as amended by PL 2021, c. 366, §19, is further
14 amended to read:

15 **1. Unlawful educational discrimination.** It is unlawful educational discrimination
16 in violation of this Act, on the basis of sex, sexual orientation or gender identity, physical
17 or mental disability, ancestry, national origin, race, color or religion, to:

18 A. Exclude a person from participation in, deny a person the benefits of, or subject a
19 person to, discrimination in any academic, extracurricular, research, occupational
20 training or other program or activity;

21 B. Deny a person equal opportunity in athletic programs;

22 C. Apply any rule concerning the actual or potential familial status or marital status of
23 a person or to exclude any person from any program or activity because of pregnancy
24 or related conditions or because of sex or sexual orientation or gender identity;

25 D. Deny a person admission to the institution or program or to fail to provide equal
26 access to and information about an institution or program through recruitment; or

27 E. Deny a person financial assistance availability and opportunity.

28 **Sec. 16. 5 MRSA §4602, sub-§5, ¶C**, as enacted by PL 2021, c. 366, §19, is
29 amended to read:

30 C. Requires a religious corporation, association or society that does not receive public
31 funding to comply with this section as it relates to sexual orientation or gender identity;
32 or

33 **Sec. 17. 5 MRSA §4630, sub-§1**, as enacted by PL 2023, c. 489, §10, is amended
34 to read:

35 **1. Unlawful discrimination.** A public entity may not discriminate against an
36 individual, exclude an individual from participation in a service, program or activity of that
37 public entity or otherwise deny to an individual the benefits of a service, program or activity
38 of that public entity by reason of the individual's race or color, sex, sexual orientation or
39 gender identity, age, physical or mental disability, religion, ancestry or national origin.

40 **Sec. 18. 37-B MRSA §517, sub-§1, ¶B**, as enacted by PL 2023, c. 202, §3, is
41 repealed.

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SUMMARY

This bill removes consideration of gender identity from the Maine Human Rights Act. The bill also makes a technical change by repealing a definition of a term to correct a cross-reference.