

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1196

S.P. 413

In Senate, March 8, 2005

### **An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator TURNER of Cumberland. (GOVERNOR'S BILL)

Cosponsored by Representative PERRY of Calais and

Senators: BROMLEY of Cumberland, President EDMONDS of Cumberland, MITCHELL of  
Kennebec, Representatives: DUDLEY of Portland, MUSE of Fryeburg, NORTON of Bangor,  
Speaker RICHARDSON of Brunswick, THOMPSON of China.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 5 MRSA §4552**, as amended by PL 1993, c. 327, §1, is  
5 further amended to read:

6 **§4552. Policy**

7  
8 To protect the public health, safety and welfare, it is  
9 declared to be the policy of this State to keep continually in  
10 review all practices infringing on the basic human right to a  
11 life with dignity, and the causes of these practices, so that  
12 corrective measures may, where possible, be promptly recommended  
13 and implemented, and to prevent discrimination in employment,  
14 housing or access to public accommodations on account of race,  
15 color, sex, sexual orientation, physical or mental disability,  
16 religion, ancestry or national origin; and in employment,  
17 discrimination on account of age or because of the previous  
18 assertion of a claim or right under former Title 39 or Title 39-A  
19 and in housing because of familial status; and to prevent  
20 discrimination in the extension of credit on account of age,  
21 race, color, sex, sexual orientation, marital status, religion,  
22 ancestry or national origin; and to prevent discrimination in  
23 education on account of sex, sexual orientation or physical or  
24 mental disability.

25 **Sec. 2. 5 MRSA §4553, sub-§6-A**, as enacted by PL 1979, c. 350,  
26 §1, is amended to read:

27  
28 **6-A. Normal retirement age.** "Normal retirement age" means  
29 the specified age, the years of service requirement or any age  
30 and years of service combination at which a member may become  
31 eligible for retirement benefits. This subsection shall may not  
32 be construed to require the mandatory retirement of a member or  
33 to deny employment to any person based solely on his that  
34 person's normal retirement age.

35 **Sec. 3. 5 MRSA §4553, sub-§9-C** is enacted to read:

36  
37 **9-C. Sexual orientation.** "Sexual orientation" means a  
38 person's actual or perceived heterosexuality, bisexuality,  
39 homosexuality or gender identity or expression.

40  
41 **Sec. 4. 5 MRSA §4553, sub-§10, ¶E**, as amended by PL 1983, c.  
42 578, §2, is further amended to read:

43  
44 **E.** In determining whether any a person is acting as an  
45 agent or employee of another person so as to make such other  
46 person responsible for his that person's acts, the question  
47 of whether the specific acts performed were

2 actually authorized or subsequently ratified shall is not be  
controlling; and

4 **Sec. 5. 5 MRSA §4553, sub-§10, ¶F**, as enacted by PL 1983, c.  
578, §2, is amended to read:

6 F. Unlawful educational discrimination as defined and  
8 limited by subchapter V-B, 5-B; and

10 **Sec. 6. 5 MRSA §4553, sub-§10, ¶G** is enacted to read:

12 G. Discrimination in employment, housing, public  
14 accommodation, credit and educational opportunity on the  
16 basis of sexual orientation, except that a religious  
18 corporation, association or organization that does not  
20 receive public funds is exempt from this provision with  
22 respect to:

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

28 (2) Housing, as is more fully set forth in section  
30 4553, subsection 6, paragraph C; and

32 (3) Educational opportunity, as is more fully set  
34 forth in section 4602, subsection 4.

36 Any for-profit organization owned, controlled or operated by  
38 a religious association or corporation and subject to the  
40 provisions of the Internal Revenue Code, 26 United States  
42 Code, Section 511(a) is not covered by the exemptions set  
44 forth in this paragraph.

46 **Sec. 7. 5 MRSA §4566, sub-§6**, as amended by PL 1991, c. 99,  
48 §3, is further amended to read:

50 **6. Advisory groups.** To create local or statewide advisory  
agencies and conciliation councils to aid in effectuating the  
purposes of this Act. The commission may study or may empower  
these agencies and councils to study the problems of  
discrimination in all or specific fields of human relationships  
when based on race or color, sex, sexual orientation, physical or  
mental disability, religion, age, ancestry or national origin,  
and foster good will among the groups and elements of the  
population of the State. Agencies and councils may make  
recommendations to the commission for the development of policies  
and procedures. Advisory agencies and conciliation councils  
created by the commission shall must be composed of  
representative citizens serving without pay, but with  
reimbursement for actual and necessary traveling expenses;

2           **Sec. 8. 5 MRSA §4566, sub-§10**, as amended by PL 1991, c. 99,  
§4, is further amended to read:

4           **10. Publications.** To publish results of investigations and  
research to promote good will and minimize or eliminate  
6 discrimination based on race or color, sex, sexual orientation,  
physical or mental disability, religion, age, ancestry or  
8 national origin;

10           **Sec. 9. 5 MRSA §4566, sub-§11**, as amended by PL 1991, c. 99,  
§5, is further amended to read:

12           **11. Reports.** To report to the Legislature and the Governor  
14 at least once a year describing the investigations, proceedings  
and hearings the commission has conducted and the outcome and  
16 other work performed by the commission, and to make  
recommendations for further legislation or executive action  
18 concerning abuses and discrimination based on race or color, sex,  
sexual orientation, physical or mental disability, religion, age,  
20 ancestry or national origin, or other infringements on human  
rights or personal dignity; and

22           **Sec. 10. 5 MRSA §4571**, as amended by PL 1991, c. 99, §6, is  
24 further amended to read:

26           **§4571. Right to freedom from discrimination in employment**

28           The opportunity for an individual to secure employment  
without discrimination because of race, color, sex, sexual  
30 orientation, physical or mental disability, religion, age,  
ancestry or national origin is recognized as and declared to be a  
32 civil right.

34           **Sec. 11. 5 MRSA §4572, sub-§1, ¶¶A, B and C**, as amended by PL  
1991, c. 885, Pt. E, §7 and affected by §47, are further amended  
36 to read:

38           A. For any employer to fail or refuse to hire or otherwise  
discriminate against any applicant for employment because of  
40 race or color, sex, sexual orientation, physical or mental  
disability, religion, age, ancestry or national origin,  
42 because of the applicant's previous assertion of a claim or  
right under former Title 39 or Title 39-A or because of  
44 previous actions taken by the applicant that are protected  
under Title 26, chapter 7, subchapter V-B 5-B; or, because  
46 of those reasons, to discharge an employee or discriminate  
with respect to hire, tenure, promotion, transfer,  
48 compensation, terms, conditions or privileges of employment  
or any other matter directly or indirectly related to  
50 employment; or, in recruiting of individuals for employment

2 or in hiring them, to utilize any employment agency that the  
3 employer knows or has reasonable cause to know discriminates  
4 against individuals because of their race or color, sex,  
5 sexual orientation, physical or mental disability, religion,  
6 age, ancestry or national origin, because of their previous  
7 assertion of a claim or right under former Title 39 or Title  
8 39-A or because of previous actions that are protected under  
9 Title 26, chapter 7, subchapter V-B 5-B;

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

12 B. For any employment agency to fail or refuse to classify  
13 properly, refer for employment or otherwise discriminate  
14 against any individual because of race or color, sex, sexual  
15 orientation, physical or mental disability, religion, age,  
16 ancestry or national origin, because of the individual's  
17 previous assertion of a claim or right under former Title 39  
18 or Title 39-A or because of previous actions taken by the  
19 individual that are protected under Title 26, chapter 7,  
20 subchapter V-B 5-B; or to comply with an employer's request  
21 for the referral of job applicants if a request indicates  
22 either directly or indirectly that the employer will not  
23 afford full and equal employment opportunities to  
24 individuals regardless of their race or color, sex, sexual  
25 orientation, physical or mental disability, religion, age,  
26 ancestry or national origin, because of previous assertion  
27 of a claim or right under former Title 39 or Title 39-A or  
28 because of previous actions that are protected under Title  
29 26, chapter 7, subchapter V-B 5-B;

30 C. For any labor organization to exclude from  
31 apprenticeship or membership or to deny full and equal  
32 membership rights to any applicant for membership because of  
33 race or color, sex, sexual orientation, physical or mental  
34 disability, religion, age, ancestry or national origin,  
35 because of the applicant's previous assertion of a claim or  
36 right under former Title 39 or Title 39-A or because of  
37 previous actions taken by the applicant that are protected  
38 under Title 26, chapter 7, subchapter V-B 5-B; or, because  
39 of those reasons, to deny a member full and equal membership  
40 rights, expel from membership, penalize or otherwise  
41 discriminate with respect to hire, tenure, promotion,  
42 transfer, compensation, terms, conditions or privileges of  
43 employment, representation, grievances or any other matter  
44 directly or indirectly related to membership or employment,  
45 whether or not authorized or required by the constitution or  
46 bylaws of that labor organization or by a collective labor  
47 agreement or other contract; to fail or refuse to classify  
48 properly or refer for employment or otherwise discriminate  
49  
50

2 against any member because of race or color, sex, sexual  
3 orientation, physical or mental disability, religion, age,  
4 ancestry or national origin, because of the member's  
5 previous assertion of a claim or right under former Title 39  
6 or Title 39-A or because of previous actions taken by the  
7 member that are protected under Title 26, chapter 7,  
8 subchapter V-B 5-B; or to cause or attempt to cause an  
9 employer to discriminate against an individual in violation  
10 of this section, except that it is lawful for labor  
11 organizations and employers to adopt a maximum age  
12 limitation in apprenticeship programs, if the employer or  
13 labor organization obtains prior approval from the Maine  
14 Human Rights Commission of any maximum age limitation  
15 employed in an apprenticeship program. The commission shall  
16 approve the age limitation if a reasonable relationship  
17 exists between the maximum age limitation employed and a  
18 legitimate expectation of the employer in receiving a  
19 reasonable return upon the employer's investment in an  
20 apprenticeship program. The employer or labor organization  
21 bears the burden of demonstrating that such a relationship  
22 exists;

23 **Sec. 12. 5 MRSA §4572, sub-§1, ¶D**, as amended by PL 1995, c.  
24 393, §12, is further amended to read:

25 D. For any employer, employment agency or labor  
26 organization, prior to employment or admission to membership  
27 of any individual, to:  
28

29 (1) Elicit or attempt to elicit information directly  
30 or indirectly pertaining to race or color, sex, sexual  
31 orientation, physical or mental disability, religion,  
32 age, ancestry or national origin, any previous  
33 assertion of a claim or right under former Title 39 or  
34 Title 39-A or any previous actions that are protected  
35 under Title 26, chapter 7, subchapter V-B 5-B;

36 (2) Make or keep a record of race or color, sex,  
37 sexual orientation, physical or mental disability,  
38 religion, age, ancestry or national origin, any  
39 previous assertion of a claim or right under former  
40 Title 39 or Title 39-A or any previous actions that are  
41 protected under Title 26, chapter 7, subchapter V-B  
42 5-B, except under physical or mental disability when an  
43 employer requires a physical or mental examination  
44 prior to employment, a privileged record of that  
45 examination is permissible if made and kept in  
46 compliance with this Act;  
47  
48

2 (3) Use any form of application for employment, or  
3 personnel or membership blank containing questions or  
4 entries directly or indirectly pertaining to race or  
5 color, sex, sexual orientation, physical or mental  
6 disability, religion, age, ancestry or national origin,  
7 any previous assertion of a claim or right under former  
8 Title 39 or Title 39-A or any previous actions that are  
9 protected under Title 26, chapter 7, subchapter V-B  
10 5-B. This section does not prohibit any officially  
11 recognized government agency from keeping records  
12 permitted to be kept under this Act in order to provide  
13 free services to individuals requesting rehabilitation  
14 or employment assistance;

15 (4) Print, publish or cause to be printed or published  
16 any notice or advertisement relating to employment or  
17 membership indicating any preference, limitation,  
18 specification or discrimination based upon race or  
19 color, sex, sexual orientation, physical or mental  
20 disability, religion, age, ancestry or national origin,  
21 any previous assertion of a claim or right under former  
22 Title 39 or Title 39-A or any previous actions that are  
23 protected under Title 26, chapter 7, subchapter V-B  
24 5-B; or

25 (5) Establish, announce or follow a policy of denying  
26 or limiting, through a quota system or otherwise,  
27 employment or membership opportunities of any group  
28 because of the race or color, sex, sexual orientation,  
29 physical or mental disability, religion, age, ancestry  
30 or national origin, the previous assertion of a claim  
31 or right under former Title 39 or Title 39-A or because  
32 of previous actions that are protected under Title 26,  
33 chapter 7, subchapter V-B 5-B, of that group; or

36 **Sec. 13. 5 MRSA §4581, first ¶,** as amended by PL 1991, c. 99,  
37 §12, is further amended to read:

38 The opportunity for an individual to secure decent housing  
39 in accordance with the individual's ability to pay, and without  
40 discrimination because of race, color, sex, sexual orientation,  
41 physical or mental disability, religion, ancestry, national  
42 origin or familial status is hereby recognized as and declared to  
43 be a civil right.

44 **Sec. 14. 5 MRSA §4582, 2nd, 3rd and 4th ¶¶,** as amended by PL  
45 1991, c. 99, §14, are further amended to read:

46 For any owner, lessee, sublessee, managing agent or other  
47 person having the right to sell, rent, lease or manage a housing  
48  
49  
50

2 accommodation, or any agent of these to make or cause to be made  
3 any written or oral inquiry concerning the race or color, sex,  
4 sexual orientation, physical or mental disability, religion,  
5 ancestry, national origin or familial status of any prospective  
6 purchaser, occupant or tenant of the housing accommodation; or to  
7 refuse to show or refuse to sell, rent, lease, let or otherwise  
8 deny to or withhold from any individual housing accommodation  
9 because of the race or color, sex, sexual orientation, physical  
10 or mental disability, religion, ancestry, national origin or  
11 familial status of the individual; or to issue any advertisement  
12 relating to the sale, rental or lease of the housing  
13 accommodation which that indicates any preference, limitation,  
14 specification or discrimination based upon race or color, sex,  
15 sexual orientation, physical or mental disability, religion,  
16 ancestry, national origin or familial status; or to discriminate  
17 against any individual because of race or color, sex, sexual  
18 orientation, physical or mental disability, religion, ancestry,  
19 national origin or familial status in the price, terms,  
20 conditions or privileges of the sale, rental or lease of any  
21 housing accommodations or in the furnishing of facilities or  
22 services in connection with any housing accommodations; or to  
23 evict or attempt to evict any tenant of any housing accommodation  
24 because of the race or color, sex, sexual orientation, physical  
25 or mental disability, religion, ancestry, national origin or  
26 familial status of the tenant;

27 For any real estate broker or real estate sales person, or  
28 agent of one of them, to fail or refuse to show any applicant for  
29 a housing accommodation any accommodation listed for sale, lease  
30 or rental, because of the race or color, sex, sexual orientation,  
31 physical or mental disability, religion, ancestry, national  
32 origin or familial status of the applicant or of any intended  
33 occupant of the accommodation, or to misrepresent, for the  
34 purpose of discriminating because of the race or color, sex,  
35 sexual orientation, physical or mental disability, religion,  
36 ancestry, national origin or familial status of the applicant or  
37 intended occupant, the availability or asking price of a housing  
38 accommodation listed for sale, lease or rental; or for any reason  
39 to fail to communicate to the person having the right to sell or  
40 lease the housing accommodation any offer for the same made by  
41 any applicant; or in any other manner to discriminate against any  
42 applicant for housing because of race or color, sex, sexual  
43 orientation, physical or mental disability, religion, ancestry,  
44 national origin or familial status of the applicant or of any  
45 intended occupant of the housing accommodation, or to make or  
46 cause to be made any written or oral inquiry or record concerning  
47 the race or color, sex, sexual orientation, physical or mental  
48 disability, religion, ancestry, national origin or familial  
49 status of any applicant or intended occupant, or to accept for  
50 listing any housing accommodation when the person having the

2 right to sell or lease the same has directly or indirectly  
3 indicated an intention of discriminating among prospective  
4 tenants or purchasers on the ground of their race or color, sex,  
5 sexual orientation, physical or mental disability, religion,  
6 ancestry, national origin or familial status, or when the broker  
7 knows or has reason to know that the person having the right to  
8 sell or lease the housing accommodation has made a practice of  
discrimination since July 1, 1972;

10 For any person to whom application is made for a loan or  
11 other form of financial assistance for the acquisition,  
12 construction, rehabilitation, repair or maintenance of any  
13 housing accommodation, whether secured or unsecured, or agent of  
14 the person, to make or cause to be made any oral or written  
15 inquiry concerning the race or color, sex, sexual orientation,  
16 physical or mental disability, religion, ancestry, national  
17 origin or familial status of any individual seeking financial  
18 assistance, or of existing or prospective occupants or tenants of  
19 housing accommodations; or to discriminate in the granting of  
20 financial assistance, or in the terms, conditions or privileges  
21 relating to the obtaining or use of any financial assistance,  
22 against any applicant because of the race or color, sex, sexual  
23 orientation, physical or mental disability, religion, ancestry,  
24 national origin or familial status of the applicant or of the  
25 existing or prospective occupants or tenants;

26 **Sec. 15. 5 MRSA §4583**, as amended by PL 1991, c. 99, §19, is  
27 further amended to read:

30 **§4583. Application**

32 Nothing in this Act may be construed to prohibit or limit  
33 the exercise of the privilege of every person and the agent of  
34 any person having the right to sell, rent, lease or manage a  
35 housing accommodation to set up and enforce specifications in the  
36 selling, renting, leasing or letting or in the furnishings of  
37 facilities or services in connection with the facilities ~~which~~  
38 that are not based on the race, color, sex, sexual orientation,  
39 physical or mental disability, religion, country of ancestral  
40 origin, familial status or the receipt of public assistance  
41 payments of any prospective or actual purchaser, lessee, tenant  
42 or occupant. Nothing in this Act may be construed to prohibit  
43 or limit the exercise of the privilege of every person and the  
44 agent of any person making loans for or offering financial  
45 assistance in the acquisition, construction, rehabilitation,  
46 repair or maintenance of housing accommodations, to set standards  
47 and preferences, terms, conditions, limitations or specifications  
48 for the granting of loans or financial assistance ~~which that~~  
49 that are not based on the race, color, sex, sexual orientation, physical  
50 or mental disability, religion, country of ancestral origin,

2 familial status or the receipt of public assistance payments of  
the applicant for a loan or financial assistance or, of any  
4 existing or prospective owner, lessee, tenant or occupant of  
housing accommodation.

6 **Sec. 16. 5 MRSA §4591**, as amended by PL 1991, c. 99, §20, is  
further amended to read:

8

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

10

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

16

**Sec. 17. 5 MRSA §4592, sub-§§1 and 2**, as amended by PL 1995, c.  
18 393, §22, are further amended to read:

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

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

36

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

46 B. A failure to make reasonable modifications in policies,  
practices or procedures, when modifications are necessary to  
48 afford the goods, services, facilities, privileges,  
advantages or accommodations to individuals with  
50 disabilities, unless, in the case of a private entity, the

2 private entity can demonstrate that making the modifications  
would fundamentally alter the nature of the goods, services,  
3 facilities, privileges, advantages or accommodations;

4  
6 C. A failure to take steps that may be necessary to ensure  
that no individual with a disability is excluded, denied  
7 services, segregated or otherwise treated differently than  
8 other individuals because of the absence of auxiliary aids  
and services, unless, in the case of a private entity, the  
10 private entity can demonstrate that taking those steps would  
fundamentally alter the nature of the good, service,  
12 facility, privilege, advantage or accommodation being  
offered or would result in an undue burden;

14  
16 D. A private entity's failure to remove architectural  
barriers and communication barriers that are structural in  
18 nature in existing facilities and transportation barriers in  
existing vehicles and rail passenger cars used by an  
20 establishment for transporting individuals, not including  
barriers that can be removed only through the retrofitting  
of vehicles or rail passenger cars by the installation of a  
22 hydraulic or other lift, where the removal is readily  
achievable;

24  
26 When the entity can demonstrate that the removal of a  
barrier under this paragraph is not readily achievable, a  
28 failure to make the goods, services, facilities, privileges,  
advantages or accommodations available through alternative  
methods if alternative methods are readily achievable; and

30  
32 E. A qualified individual with a disability, by reason of  
that disability, being excluded from participation in or  
34 being denied the benefits of the services, programs or  
activities of a public entity, or being subjected to  
discrimination by any such entity;

36  
38 **2. Communication, notice or advertisement.** For any person  
to directly or indirectly publish, display or communicate any  
40 notice or advertisement to the effect that any of the  
accommodations, advantages, facilities and privileges of any  
42 place of public accommodation are refused, withheld from or  
denied to any person on account of race or color, sex, sexual  
orientation, physical or mental disability, religion, ancestry or  
44 national origin, or that the patronage or custom of any person  
belonging to or purporting to be of any particular race or color,  
46 sex, sexual orientation, physical or mental disability, religion,  
ancestry or national origin is unwelcome, objectionable or not  
48 acceptable, desired or solicited, or that the clientele is  
restricted to any particular race or color, sexual orientation,  
50 physical or mental disability, religion, ancestry or national

2 origin. The production of any communication, notice or  
advertisement purporting to relate to any place of accommodation  
4 is presumptive evidence in any action that the action was  
authorized by its owner, manager or proprietor;

6 **Sec. 18. 5 MRSA §4595**, as repealed and replaced by PL 1975,  
c. 770, §40, is amended to read:

8  
10 **§4595. Right to freedom from discrimination solely on basis**  
12 **of age, race, color, sex, sexual orientation, marital**  
**status, ancestry, religion or national origin in any**  
**credit transaction**

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

20 **Sec. 19. 5 MRSA §4596**, as repealed and replaced by PL 1975,  
c. 770, §41, is amended to read:

22 **§4596. Unlawful credit extension discrimination**

24 It ~~shall~~--be is unlawful credit discrimination for any  
26 creditor to refuse the extension of credit to any person solely  
on the basis of any one or more of the following factors: Age  
28 age; race; color; sex; sexual orientation; marital status;  
ancestry; religion or national origin in any credit transaction.  
30 It ~~shall~~ is not be unlawful credit discrimination to comply with  
the terms and conditions of any bona fide group credit life,  
32 accident and health insurance plan, for a financial institution  
extending credit to a married person to require both the husband  
34 and the wife to sign a note and a mortgage and to deny credit to  
persons under the age of 18 or to consider a person's age in  
36 determining the terms upon which credit will be extended.

38 **Sec. 20. 5 MRSA §4601**, as repealed and replaced by PL 1991,  
c. 824, Pt. A, §4, is amended to read:

40 **§4601. Right to freedom from discrimination in education**

42 The opportunity for an individual at an educational  
44 institution to participate in all educational, counseling and  
vocational guidance programs and all apprenticeship and  
46 on-the-job training programs without discrimination because of  
sex, sexual orientation, a physical or mental disability,  
48 national origin or race is recognized and declared to be a civil  
right.

50

2  
3 **Sec. 21. 5 MRSA §4602, sub-§4** is enacted to read:

4 **4. Unlawful education discrimination on the basis of sexual**  
5 **orientation. It is unlawful education discrimination in**  
6 **violation of this Act, on the basis of sexual orientation, to:**

7 **A. Exclude a person from participation in, deny a person**  
8 **the benefits of or subject a person to discrimination in any**  
9 **academic, extracurricular, research, occupational training**  
10 **or other program or activity;**

11 **B. Deny a person equal opportunity in athletic programs;**

12 **C. Apply any rule concerning the actual or potential family**  
13 **or marital status of a person or to exclude any person from**  
14 **any program or activity because of their sexual orientation;**

15 **D. Deny admission to the institution or program or to fail**  
16 **to provide equal access to any information about an**  
17 **institution or program through recruitment; or**

18 **E. Deny financial assistance availability and opportunity.**

19 **The provisions in this subsection relating to sexual orientation**  
20 **do not apply to any education facility owned, controlled or**  
21 **operated by a bona fide religious corporation, association or**  
22 **society.**

23 **Sec. 22. 5 MRSA §4612, sub-§4, ¶A,** as amended by PL 1993, c.  
24 303, §2, is further amended to read:

25 **A. If the commission finds reasonable grounds to believe**  
26 **that unlawful discrimination has occurred, and further**  
27 **believes that irreparable injury or great inconvenience will**  
28 **be caused the victim of such discrimination or to members of**  
29 **a racial, color, sex, sexual orientation, physical or mental**  
30 **disability, religious, or nationality group or age group if**  
31 **relief is not immediately granted, or if conciliation**  
32 **efforts under subsection 3 have not succeeded, the**  
33 **commission may file in the Superior Court a civil action**  
34 **seeking such relief as is appropriate, including temporary**  
35 **restraining orders.**

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45 **SUMMARY**

46 **This bill forbids the denial of rights in employment,**  
47 **housing, public accommodations, credit and education opportunity**  
48 **to individuals based on their sexual orientation.**