

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1365

S.P. 471

In Senate, March 17, 2005

An Act To End Discrimination

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRENNAN of Cumberland.

Cosponsored by Speaker RICHARDSON of Brunswick, Representative PERCY of Phippsburg and Senators: BARTLETT of Cumberland, BROMLEY of Cumberland, COWGER of Kennebec, DAMON of Hancock, DIAMOND of Cumberland, DOW of Lincoln, President EDMONDS of Cumberland, GAGNON of Kennebec, MAYO of Sagadahoc, NUTTING of Androscoggin, ROTUNDO of Androscoggin, SCHNEIDER of Penobscot, STRIMLING of Cumberland, SULLIVAN of York, Representatives: ADAMS of Portland, BABBIDGE of Kennebunk, BARSTOW of Gorham, BLANCHARD of Old Town, BLISS of South Portland, BRAUTIGAM of Falmouth, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CANAVAN of Waterville, CUMMINGS of Portland, DUCHESNE of Hudson, DUDLEY of Portland, DUNN of Bangor, EBERLE of South Portland, FAIRCLOTH of Bangor, FARRINGTON of Gorham, GERZOFKY of Brunswick, GOLDMAN of Cape Elizabeth, HUTTON of Bowdoinham, JACKSON of Fort Kent, KOFFMAN of Bar Harbor, LERMAN of Augusta, MARLEY of Portland, NORTON of Bangor, PARADIS of Frenchville, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, PERRY of Calais, PINEAU of Jay, PINGREE of North Haven, SAMPSON of Auburn, SMITH of Monmouth, SMITH of Van Buren, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery, WOODBURY of Yarmouth.

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

23 Nothing in this chapter confers legislative approval of, or
24 special rights to, any person or group of persons.

25 **Sec. 2. 5 MRSA §4553, sub-§§9-C and 9-D** are enacted to read:

26 **9-C. Religious entity.** "Religious entity" means:

27 **A. A religious corporation, association or society;**

28 **B. A college, school, university or other educational**
29 **institution, not otherwise a religious entity, if it is in**
30 **whole or substantial part funded, controlled, managed or**
31 **owned by a religious corporation, association or society; or**

32 **C. A nonprofit organization that is operated for charitable**
33 **purposes if it is in whole or substantial part funded,**
34 **controlled, managed or owned by a religious corporation,**
35 **association or society.**

36 **9-D. Sexual orientation.** "Sexual orientation" means having
37 **an orientation for heterosexuality, homosexuality or bisexuality,**
38 **having a history of that orientation or being identified with**
39 **that orientation. "Sexual orientation" refers to a person's**
40 **actual or perceived status, condition or gender expression. This**
41 **chapter is intended to ensure specific defined rights, and not to**

2 endorse or extend to any form of sexual behavior, and does not
3 include sexual attraction to a minor by an adult.

4 **Sec. 3. 5 MRSA §4553, sub-§10, ¶E,** as amended by PL 1983, c.
5 578, §2, is further amended to read:

6
7 E. In determining whether any a person is acting as an
8 agent or employee of another person so as to make such the
9 other person responsible for his that person's acts, the
10 question of whether the specific acts performed were
11 actually authorized or subsequently ratified shall is not be
12 controlling; and

14 **Sec. 4. 5 MRSA §4553, sub-§10, ¶F,** as enacted by PL 1983, c.
15 578, §2, is amended to read:

16
17 F. Unlawful educational discrimination as defined and
18 limited by subchapter V-B, 5-B; and

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

22 G. Discrimination in employment, housing, public
23 accommodation and credit as defined in subchapters 3, 4, 5
24 and 5-A, on the basis of sexual orientation, except that a
25 religious entity is exempt from these provisions with
26 respect to discrimination based on sexual orientation.

28 **Sec. 6. 5 MRSA §4554, sub-§§4, 5 and 6** are enacted to read:

30 **4. Contracts.** The exemption provision of section 4553,
31 subsection 10, paragraph G does not prohibit a state agency from
32 including provisions in a contract with any entity, including a
33 religious entity, that may require nondiscrimination on the basis
34 of sexual orientation otherwise consistent with this chapter with
35 respect to and as a condition of continuation of such a contract;
36 nor does this Act require any religious entity to enter into any
37 contract. With respect to a contract with any religious entity,
38 the employment defenses provided in section 4573-A, subsection 2
39 are applicable to any dispute arising under such a
40 nondiscrimination clause to the extent related to alleged
41 employment discrimination based on sexual orientation.

42 **5. Educational policy.** This act does not mandate any
43 public or private educational institution to promote any form of
44 sexuality or sexual orientation or to include such matters in its
45 curriculum.

48 **6. Affirmative action.** The provisions of this Act relating
49 to sexual orientation are not intended to modify federal or state
50 requirements for affirmative action in effect as of the effective

2 date of this subsection, nor intended to create any new
3 obligations with respect to affirmative action or numerical goals
4 or quotas.

5 **Sec. 7. 5 MRSA §4571**, as amended by PL 1991, c. 99, §6, is
6 further amended to read:

7 **§4571. Right to freedom from discrimination in employment**

8
9
10 The opportunity for an individual to secure employment
11 without discrimination because of race, color, sex, sexual
12 orientation, physical or mental disability, religion, age,
13 ancestry or national origin is recognized as and declared to be a
14 civil right.

15 **Sec. 8. 5 MRSA §4572, sub-§1, ¶¶A, B and C**, as amended by PL
16 1991, c. 885, Pt. E, §7 and affected by §47, are further amended
17 to read:

18
19 A. For any employer to fail or refuse to hire or otherwise
20 discriminate against any applicant for employment because of
21 race or color, sex, sexual orientation, physical or mental
22 disability, religion, age, ancestry or national origin,
23 because of the applicant's previous assertion of a claim or
24 right under former Title 39 or Title 39-A or because of
25 previous actions taken by the applicant that are protected
26 under Title 26, chapter 7, subchapter V-B 5-B; or, because
27 of those reasons, to discharge an employee or discriminate
28 with respect to hire, tenure, promotion, transfer,
29 compensation, terms, conditions or privileges of employment
30 or any other matter directly or indirectly related to
31 employment; or, in recruiting of individuals for employment
32 or in hiring them, to utilize any employment agency that the
33 employer knows or has reasonable cause to know discriminates
34 against individuals because of their race or color, sex,
35 sexual orientation, physical or mental disability, religion,
36 age, ancestry or national origin, because of their previous
37 assertion of a claim or right under former Title 39 or Title
38 39-A or because of previous actions that are protected under
39 Title 26, chapter 7, subchapter V-B 5-B;

40
41 (1) This paragraph does not apply to discrimination
42 governed by Title 39-A, section 353;

43
44 B. For any employment agency to fail or refuse to classify
45 properly, refer for employment or otherwise discriminate
46 against any individual because of race or color, sex, sexual
47 orientation, physical or mental disability, religion, age,
48 ancestry or national origin, because of the individual's
49 previous assertion of a claim or right under former Title 39
50

2 or Title 39-A or because of previous actions taken by the
individual that are protected under Title 26, chapter 7,
4 subchapter V-B 5-B; or to comply with an employer's request
for the referral of job applicants if a request indicates
6 either directly or indirectly that the employer will not
afford full and equal employment opportunities to
8 individuals regardless of their race or color, sex, sexual
orientation, physical or mental disability, religion, age,
ancestry or national origin, because of previous assertion
10 of a claim or right under former Title 39 or Title 39-A or
because of previous actions that are protected under Title
12 26, chapter 7, subchapter V-B 5-B;

14 C. For any labor organization to exclude from
apprenticeship or membership or to deny full and equal
16 membership rights to any applicant for membership because of
race or color, sex, sexual orientation, physical or mental
18 disability, religion, age, ancestry or national origin,
because of the applicant's previous assertion of a claim or
20 right under former Title 39 or Title 39-A or because of
previous actions taken by the applicant that are protected
22 under Title 26, chapter 7, subchapter V-B 5-B; or, because
of those reasons, to deny a member full and equal membership
24 rights, expel from membership, penalize or otherwise
discriminate with respect to hire, tenure, promotion,
26 transfer, compensation, terms, conditions or privileges of
employment, representation, grievances or any other matter
28 directly or indirectly related to membership or employment,
whether or not authorized or required by the constitution or
30 bylaws of that labor organization or by a collective labor
agreement or other contract; to fail or refuse to classify
32 properly or refer for employment or otherwise discriminate
against any member because of race or color, sex, sexual
34 orientation, physical or mental disability, religion, age,
ancestry or national origin, because of the member's
36 previous assertion of a claim or right under former Title 39
or Title 39-A or because of previous actions taken by the
38 member that are protected under Title 26, chapter 7,
subchapter V-B 5-B; or to cause or attempt to cause an
40 employer to discriminate against an individual in violation
of this section, except that it is lawful for labor
42 organizations and employers to adopt a maximum age
limitation in apprenticeship programs, if the employer or
44 labor organization obtains prior approval from the Maine
Human Rights Commission of any maximum age limitation
46 employed in an apprenticeship program. The commission shall
approve the age limitation if a reasonable relationship
48 exists between the maximum age limitation employed and a
legitimate expectation of the employer in receiving a
50 reasonable return upon the employer's investment in an

2 apprenticeship program. The employer or labor organization
3 bears the burden of demonstrating that such a relationship
4 exists;

5 **Sec. 9. 5 MRSA §4572, sub-§1, ¶D**, as amended by PL 1995, c.
6 393, §12, is further amended to read:

7 D. For any employer, employment agency or labor
8 organization, prior to employment or admission to membership
9 of any individual, to:

10
11 (1) Elicit or attempt to elicit information directly
12 or indirectly pertaining to race or color, sex, sexual
13 orientation, physical or mental disability, religion,
14 age, ancestry or national origin, any previous
15 assertion of a claim or right under former Title 39 or
16 Title 39-A or any previous actions that are protected
17 under Title 26, chapter 7, subchapter V-B 5-B;

18
19 (2) Make or keep a record of race or color, sex,
20 sexual orientation, physical or mental disability,
21 religion, age, ancestry or national origin, any
22 previous assertion of a claim or right under former
23 Title 39 or Title 39-A or any previous actions that are
24 protected under Title 26, chapter 7, subchapter V-B
25 5-B, except under physical or mental disability when an
26 employer requires a physical or mental examination
27 prior to employment, a privileged record of that
28 examination is permissible if made and kept in
29 compliance with this Act;

30
31 (3) Use any form of application for employment, or
32 personnel or membership blank containing questions or
33 entries directly or indirectly pertaining to race or
34 color, sex, sexual orientation, physical or mental
35 disability, religion, age, ancestry or national origin,
36 any previous assertion of a claim or right under former
37 Title 39 or Title 39-A or any previous actions that are
38 protected under Title 26, chapter 7, subchapter V-B
39 5-B. This section does not prohibit any officially
40 recognized government agency from keeping records
41 permitted to be kept under this Act in order to provide
42 free services to individuals requesting rehabilitation
43 or employment assistance;

44
45 (4) Print, publish or cause to be printed or published
46 any notice or advertisement relating to employment or
47 membership indicating any preference, limitation,
48 specification or discrimination based upon race or
49 color, sex, sexual orientation, physical or mental
50

2 disability, religion, age, ancestry or national origin,
3 any previous assertion of a claim or right under former
4 Title 39 or Title 39-A or any previous actions that are
5 protected under Title 26, chapter 7, subchapter V-B
6 5-B; or

7 (5) Establish, announce or follow a policy of denying
8 or limiting, through a quota system or otherwise,
9 employment or membership opportunities of any group
10 because of the race or color, sex, sexual orientation,
11 physical or mental disability, religion, age, ancestry
12 or national origin, the previous assertion of a claim
13 or right under former Title 39 or Title 39-A or because
14 of previous actions that are protected under Title 26,
15 chapter 7, subchapter V-B 5-B, of that group; or

16 **Sec. 10. 5 MRSA §4573**, as amended by PL 1995, c. 393, §§15 to
17 20, is further amended by adding at the end a new paragraph to
18 read:

19 The provisions of this subchapter relating to sexual
20 orientation do not require or prohibit the provision of employee
21 benefits to an individual for the benefit of that individual's
22 domestic partner.

23 **Sec. 11. 5 MRSA §4573-A, sub-§2**, as enacted by PL 1995, c.
24 393, §21, is amended to read:

25 **2. Religious defenses.** This subchapter does not prohibit a
26 religious corporation, association, educational institution or
27 society from giving preference in employment to individuals an
28 individual of its same religion to perform work connected with
29 the carrying on by the corporation, association, educational
30 institution or society of its activities. Under this subchapter,
31 a religious organization may require that all applicants and
32 employees conform to the religious tenets of that organization.

33 **Sec. 12. 5 MRSA §4581, first ¶**, as amended by PL 1991, c. 99,
34 §12, is further amended to read:

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

41 **Sec. 13. 5 MRSA §4582, 2nd, 3rd and 4th ¶¶**, as amended by PL
42 1991, c. 99, §14, are further amended to read:

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

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

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

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

30 **Sec. 14. 5 MRSA §4583**, as amended by PL 1991, c. 99, §19, is
31 further amended to read:

32 **§4583. Application**

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

2 for the granting of loans or financial assistance which that are
3 not based on the race, color, sex, sexual orientation, physical
4 or mental disability, religion, country of ancestral origin,
5 familial status or the receipt of public assistance payments of
6 the applicant for a loan or financial assistance or, of any
7 existing or prospective owner, lessee, tenant or occupant of
8 housing accommodation.

9 **Sec. 15. 5 MRSA §4591**, as amended by PL 1991, c. 99, §20, is
10 further amended to read:

11 **§4591. Equal access to public accommodations**

12 The opportunity for every individual to have equal access to
13 places of public accommodation without discrimination because of
14 race, color, sex, sexual orientation, physical or mental
15 disability, religion, ancestry or national origin is recognized
16 as and declared to be a civil right.
17

18 **Sec. 16. 5 MRSA §4592, sub-§§1 and 2**, as amended by PL 1995, c.
19 393, §22, are further amended to read:

20 **1. Denial of public accommodations.** For any public
21 accommodation or any person who is the owner, lessor, lessee,
22 proprietor, operator, manager, superintendent, agent or employee
23 of any place of public accommodation to directly or indirectly
24 refuse, discriminate against or in any manner withhold from or
25 deny the full and equal enjoyment to any person, on account of
26 race or color, sex, sexual orientation, physical or mental
27 disability, religion, ancestry or national origin, any of the
28 accommodations, advantages, facilities, goods, services or
29 privileges of public accommodation, or in any manner discriminate
30 against any person in the price, terms or conditions upon which
31 access to accommodation, advantages, facilities, goods, services
32 and privileges may depend.
33

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

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

44 **B.** A failure to make reasonable modifications in policies,
45 practices or procedures, when modifications are necessary to
46

2 afford the goods, services, facilities, privileges,
advantages or accommodations to individuals with
4 disabilities, unless, in the case of a private entity, the
private entity can demonstrate that making the modifications
6 would fundamentally alter the nature of the goods, services,
facilities, privileges, advantages or accommodations;

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

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

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

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

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

2 acceptable, desired or solicited, or that the clientele is
3 restricted to any particular race or color, sexual orientation,
4 physical or mental disability, religion, ancestry or national
5 origin. The production of any communication, notice or
6 advertisement purporting to relate to any place of accommodation
7 is presumptive evidence in any action that the action was
8 authorized by its owner, manager or proprietor;

10 **Sec. 17. 5 MRSA §4595**, as repealed and replaced by PL 1975,
11 c. 770, §40, is amended to read:

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

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

22 **Sec. 18. 5 MRSA §4596**, as repealed and replaced by PL 1975,
23 c. 770, §41, is amended to read:

24 **§4596. Unlawful credit extension discrimination**

25 It ~~shall--be~~ is unlawful credit discrimination for any
26 creditor to refuse the extension of credit to any person solely
27 on the basis of any one or more of the following factors: Age
28 age; race; color; sex; sexual orientation; marital status;
29 ancestry; religion or national origin in any credit transaction.
30 It ~~shall~~ is not be unlawful credit discrimination to comply with
31 the terms and conditions of any bona fide group credit life,
32 accident and health insurance plan, for a financial institution
33 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
35 persons under the age of 18 or to consider a person's age in
36 determining the terms upon which credit will be extended.

37 **Sec. 19. 5 MRSA §4612, sub-§4, ¶A**, as amended by PL 1993, c.
38 303, §2, is further amended to read:

39 A. If the commission finds reasonable grounds to believe
40 that unlawful discrimination has occurred, and further
41 believes that irreparable injury or great inconvenience will
42 be caused the victim of such discrimination or to members of
43 a racial, color, sex, sexual orientation, physical or mental
44 disability, religious, or nationality group or age group if
45 relief is not immediately granted, or if conciliation
46

2 efforts under subsection 3 have not succeeded, the
3 commission may file in the Superior Court a civil action
4 seeking such relief as is appropriate, including temporary
5 restraining orders.

6

8

SUMMARY

10

11 This bill ensures that all citizens, regardless of their
12 sexual orientation, have the same civil rights protections now
13 guaranteed in employment, housing, public accommodations and
14 credit to citizens on the basis of race, color, religion, sex,
15 age, national origin and physical or mental handicap. A
16 religious organization that does not receive public funds is
17 exempt from the prohibition against discrimination based on
18 sexual orientation. The bill makes it clear that this change in
19 the Maine Human Rights Act does not confer legislative approval
20 of or special rights to anyone or any group.