

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 489

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H.P. 306

House of Representatives, February 7, 2023

**An Act to Provide Equal Educational Opportunity by Adopting  
Rules Ensuring Nondiscrimination on the Basis of Protected Class  
Status in Educational Institutions**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative BRENNAN of Portland.  
Cosponsored by Senator HICKMAN of Kennebec and  
Representatives: DODGE of Belfast, HOBBS of Wells, PERRY of Calais, RANA of Bangor,  
RECKITT of South Portland, Speaker TALBOT ROSS of Portland, Senators: PIERCE of  
Cumberland, RAFFERTY of York.

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

2 **Sec. 1. 5 MRSA §4603**, as amended by PL 1989, c. 700, Pt. A, §18, is further  
3 amended to read:

4 **§4603. Rulemaking; review**

5 The Commissioner of Education ~~shall have~~ has joint rule-making authority with the  
6 commission to effectuate this subchapter. On or before January 15, 2024 and at least once  
7 every 10 years thereafter, the Commissioner of Education and the commission shall jointly  
8 review rules adopted pursuant to this section and, if the Commissioner of Education and  
9 the commission determine that those rules must be amended to reflect changes in statute  
10 and best practices to ensure an individual's right to freedom from discrimination in  
11 education, the Commissioner of Education and the commission shall as soon as practicable  
12 initiate rulemaking in accordance with this section.

13 **SUMMARY**

14 This bill amends the Maine Human Rights Act to direct the Commissioner of Education  
15 and the Maine Human Rights Commission to review the rules made under the Maine  
16 Revised Statutes, Title 5, chapter 337, subchapter 5-B on or before January 15, 2024 and at  
17 least once every 10 years thereafter to reflect changes in statute and best practices to ensure  
18 an individual's right to freedom from discrimination in education. It also requires the  
19 department and the commission to initiate rulemaking as soon as practicable if the review  
20 determines that amendments to the rules are necessary.