

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 29, 2021**

**SECOND REGULAR SESSION**  
**January 5, 2022 to May 9, 2022**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 8, 2022**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2022**

this district expires in 2024 and every 4 years thereafter.

C. Commissioner District Number 3 consists of the minor civil divisions of Addison, Beals, Cherryfield, Columbia, Columbia Falls, Harrington, Jonesboro, Jonesport, Machiasport, Milbridge, Roque Bluffs and Steuben. The term of office of the commissioner from this district expires in 2022 and every 4 years thereafter.

**16. Creation of York County Commissioner Districts.** York County is divided into the following 5 districts.

A. Commissioner District Number 1 consists of the minor civil divisions of Acton, Berwick, Cornish, Lebanon, Limington, Newfield, North Berwick, Parsonsfield, Shapleigh and South Berwick. The term of office of the commissioner from this district expires in 2022 and every 4 years thereafter.

B. Commissioner District Number 2 consists of the minor civil divisions of Arundel, Biddeford, Kennebunk and Kennebunkport. The term of office of the commissioner from this district expires in 2022 and every 4 years thereafter.

C. Commissioner District Number 3 consists of the minor civil divisions of Buxton, Hollis, Old Orchard Beach and Saco. The term of office of the commissioner from this district expires in 2022 and every 4 years thereafter.

D. Commissioner District Number 4 consists of the minor civil divisions of Alfred, Dayton, Limerick, Lyman, Sanford and Waterboro. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

E. Commissioner District Number 5 consists of the minor civil divisions of Eliot, Kittery, Ogunquit, Wells and York. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 4, 2022.

**CHAPTER 553**

**S.P. 624 - L.D. 1786**

**An Act To Maintain Consistency among Maine's Nondiscrimination Statutes**

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

**Sec. 1. 4 MRSA §805-A, sub-§1**, as corrected by RR 2021, c. 1, Pt. B, §23, is amended to read:

**1. Certificate of qualification; admission.** Any person who produces a certificate of qualification from the board recommending that person's admission to the bar may be admitted to practice as an attorney in the courts of this State on motion in open court. A person may not be denied the opportunity to qualify for admission because of actual or perceived race, creed, color, national origin or sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status.

**Sec. 2. 5 MRSA §783**, as amended by PL 2021, c. 348, §2, is further amended to read:

**§783. Appointment, assignment and promotion of personnel**

Officials and supervisory employees shall appoint, assign and promote personnel on the basis of merit and fitness, without regard to actual or perceived race, color, religious creed, national origin, sex, ancestry, age or sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status, unless related to a bona fide occupational qualification. Each appointing authority shall designate an affirmative action officer. The officer must be so placed within the agency's organizational structure that the officer has direct access to the appointing authority. Each department or agency shall prepare an affirmative action program for that department or agency in accordance with criteria set forth by the Bureau of Human Resources.

**Sec. 3. 5 MRSA §784, sub-§1**, as amended by PL 2021, c. 348, §3, is further amended to read:

**1. State action.** An agency or individual employee of the State or state-related agency may not discriminate because of actual or perceived race, color, religious creed, sex, national origin, ancestry, age or sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status while providing any function or service to the public, in enforcing any regulation, or in any education, counseling, vocational guidance, apprenticeship and on-the-job training programs. Similarly, a state or state-related agency contractor, subcontractor, or labor union or representative of the workers with which the contractor has an agreement may not discriminate unless based on a bona fide occupational qualification. State agencies or related agencies may withhold financial assistance to any recipient found to be in violation of the Maine Human Rights Act or the federal Civil Rights Act. Any state agency or related agency shall decline any job order carrying a specification or limitation as to actual or perceived race, color, religious creed, sex, national origin, ancestry, age or sexual orientation, gender identity, physical or mental disability,

religion, ancestry or national origin, age or familial status, unless it is related to a bona fide job requirement.

**Sec. 4. 5 MRSA §784, sub-§2, ¶A**, as amended by PL 2021, c. 348, §4, is further amended to read:

A. The contractor will not discriminate against any employee or applicant for employment because of actual or perceived race, color, religious creed, sex, national origin, ancestry, age or sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status. Such action includes, but is not limited to, the following: employment, upgrading, demotions, transfers, recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

**Sec. 5. 5 MRSA §784, sub-§2, ¶B**, as amended by PL 2021, c. 348, §5, is further amended to read:

B. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to actual or perceived race, color, religious creed, sex, national origin, ancestry, age or sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status.

**Sec. 6. 5 MRSA §785**, as amended by PL 2021, c. 348, §6, is further amended to read:

#### **§785. State employment services**

Any state agency or state-related agency engaged in employment, referral or placement service for private industry or public agencies shall fill all job orders on a nondiscriminatory basis, and shall decline any job order carrying a specification or limitation as to actual or perceived race, color, religious creed, sex, national origin, ancestry, age or sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status, unless it relates to a bona fide job requirement.

**Sec. 7. 5 MRSA §786**, as amended by PL 2021, c. 348, §7, is further amended to read:

#### **§786. Training for job opportunities**

All educational and vocational-guidance counseling programs and all apprenticeship and on-the-job training programs conducted, supervised or funded by the State or state-related agency must be conducted to encourage the fullest development of interest and aptitudes without regard to actual or perceived race, color, religious creed, sex, national origin, ancestry, age or sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status, unless sex or age relates to a bona fide job requirement. In the event that any such programs

are conducted in conjunction with private employers or private educational institutions, the supervising or contracting department or agency shall ~~insure~~ ensure that the provisions of this chapter are complied with fully by such private employer or private educational institution.

**Sec. 8. 5 MRSA §787**, as amended by PL 2021, c. 348, §8, is further amended to read:

#### **§787. State financial assistance**

A state agency or state-related agency may not approve a grant of state financial assistance to any recipient who is engaged in discriminatory practices. All recipients of state financial assistance shall submit to the Maine Human Rights Commission, at its request, information relating to the recipient's operations with regard to actual or perceived race, color, religious creed, sex, national origin, ancestry, age or sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status. Such information must be furnished on a form to be prescribed by the Maine Human Rights Commission.

**Sec. 9. 5 MRSA §789, 2nd ¶**, as amended by PL 2021, c. 348, §9, is further amended to read:

All powers and duties granted to the Maine Human Rights Commission under chapter 337 apply to this section. Complaints of discrimination based on actual or perceived race, color, religious creed, sex, national origin, age or sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status should be made to the Maine Human Rights Commission.

**Sec. 10. 5 MRSA §1825-L, sub-§2, ¶A**, as enacted by PL 2001, c. 439, Pt. NNNN, §1, is amended to read:

A. Comply with all applicable wage, health, labor, environmental and safety laws, legal guarantees of freedom of association, building and fire codes and laws relating to discrimination in hiring, promotion or compensation on the basis of actual or perceived race, disability, national origin, gender, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status or affiliation with any political, nongovernmental or civic group except when federal law precludes the State from attaching the procurement conditions provided in this subchapter.

**Sec. 11. 5 MRSA §7051, sub-§2**, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

**2. Discrimination prohibited.** In carrying out this chapter, ~~no~~ discrimination may not be made on account of political or religious opinions or affiliations or because of actual or perceived race or national origin, color, sex or marital status or age or, sexual orientation, gender identity, physical or mental disability, religion,

ancestry or national origin, age or familial status, unless based upon a bona fide occupational qualification.

**Sec. 12. 10 MRSA §986, sub-§6**, as amended by PL 1985, c. 344, §31, is further amended to read:

**6. Nondiscrimination.** The opportunity to receive assistance from the authority, directly or indirectly, ~~shall must~~ be open to all persons regardless of actual or perceived race, creed, color, sex, national origin, age, sexual orientation, gender identity, physical or mental impairment or disability, religion, ancestry or national origin, age, marital status or familial status. The authority shall ~~assure~~ ensure the availability of its programs on an equitable basis in all geographic areas of the State, ~~provided that but~~ this section does not preclude the authority from identifying areas of the State ~~which that~~ which that may be better suited to certain natural resource enterprises than others and does not preclude the authority from recognizing the value of a critical mass of natural resource economic activity in given areas.

**Sec. 13. 14 MRSA §1202-A**, as amended by PL 2021, c. 348, §17 and c. 366, §25, is further amended to read:

**§1202-A. Prohibition of discrimination**

A citizen may not be excluded from jury service in this State on account of actual or perceived race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, economic status, marital status, age or physical disability, religion, ancestry or national origin or familial status, except as provided in this chapter.

**Sec. 14. 21-A MRSA §1101, sub-§2**, as enacted by PL 1989, c. 802, §1, is amended to read:

**2. The code form.** The code, printed on the form provided to candidates under subsection 1, must read as follows:

"Maine Code of Fair Campaign Practices

I shall conduct my campaign and, to the extent reasonably possible, insist that my supporters conduct themselves, in a manner consistent with the best Maine and American traditions, discussing the issues and presenting my record and policies with sincerity and candor.

I shall uphold the right of every qualified voter to free and equal participation in the election process.

I shall not participate in and I shall condemn defamation of and other attacks on any opposing candidate or party that I do not believe to be truthful, provable and relevant to my campaign.

I shall not use or authorize and I shall condemn material relating to my campaign that falsifies, misrepresents or distorts the facts, including, but not

limited to, malicious or unfounded accusations creating or exploiting doubts as to the morality, patriotism or motivations of any party or candidate.

I shall not appeal to and I shall condemn appeals to prejudices based on actual or perceived race, creed, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status.

I shall not practice and I shall condemn practices that tend to corrupt or undermine the system of free election or that hamper or prevent the free expression of the will of the voters.

I shall promptly and publicly repudiate the support of any individual or group that resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this code.

I, the undersigned, candidate for election to public office in the State of Maine, hereby voluntarily endorse, subscribe to and solemnly pledge to conduct my campaign in accordance with the above principles and practices.

\_\_\_\_\_  
Candidate for Public Office"

**Sec. 15. 24-A MRSA §2169-B, sub-§2, ¶A**, as enacted by PL 2003, c. 223, §1, is amended to read:

A. Use an insurance score that is calculated using race, sex, sexual orientation, gender identity, religion, ancestry or national origin, income, ~~gender~~, address, zip code, ~~ethnic group, religion, or marital status or nationality~~ of a consumer as a factor;

**Sec. 16. 24-A MRSA §2303, sub-§1, ¶G**, as enacted by PL 1989, c. 797, §4 and affected by §§37 and 38, is amended to read:

G. Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans that establish standards for measuring variations in hazards or expense provisions, or both. These standards may measure any differences among risks that may have a probable effect upon losses or expenses. No risk classification may be based upon race, ~~creed~~, religion, ancestry or national origin or the religion of the insured.

**Sec. 17. 24-A MRSA §6910, sub-§3, ¶B**, as amended by PL 2021, c. 366, §29, is further amended by amending subparagraph (2) to read:

(2) Providers contracting with a carrier contracted to provide coverage to plan enrollees do not refuse to provide services to a plan enrollee on the basis of health status, medical condition, previous insurance status, race,

~~color, creed, age, religion, ancestry or national origin, citizenship status, gender sex, sexual orientation, gender identity, disability or marital status.~~ This subparagraph may not be construed to require a provider to furnish medical services that are not within the scope of that provider's license; and

**Sec. 18. 26 MRSA §979-D, sub-§1, ¶E,** as amended by PL 1997, c. 741, §6 and affected by §12, is further amended by amending subparagraph (1), division (f) to read:

(f) Rules for personnel administration, ~~except the following: Rules for rules~~ relating to applicants for employment in state or legislative service and state classified employees in an initial probationary status, including any extensions thereof, ~~provided as long as~~ such rules are not discriminatory by reason of an applicant's actual or perceived race, color, creed, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status;

**Sec. 19. 26 MRSA §1285, sub-§1, ¶E,** as amended by PL 1989, c. 596, Pt. N, §6, is further amended by amending subparagraph (6) to read:

(6) Rules for personnel administration, except for rules relating to applicants for employment and employees in an initial probationary status, including any extensions thereof, ~~provided that as long as~~ the rules are not discriminatory by reason of an applicant's actual or perceived race, color, creed, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status.

**Sec. 20. 30-A MRSA §3010, sub-§6,** as amended by PL 2021, c. 348, §48, is further amended to read:

**6. Rights of individuals.** A cable system operator may not deny service, deny access or otherwise discriminate against subscribers, channel users or general citizens on the basis of age, actual or perceived race, religion color, sex, sexual orientation, gender identity, physical or mental disability, ancestry or country of natural national origin, age or familial status.

**Sec. 21. 33 MRSA §124, sub-§4,** as amended by PL 2021, c. 348, §51, is further amended to read:

**4. Class of persons to whom residential real estate may be sold.** To restrict the class of persons to whom residential real estate may be sold or leased, as long as that restriction does not discriminate based upon actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin or familial status and does

not otherwise contravene the Constitution of Maine or the United States Constitution, except that the prohibition under this subsection regarding discrimination on the basis of familial status does not apply to housing for older persons, as defined in Title 5, section 4581, subsection 2;

**Sec. 22. 34-B MRSA §3611, sub-§9, ¶B,** as amended by PL 2021, c. 366, §32, is further amended to read:

B. A person may not be excluded from the council system or discriminated against within the council system by reason of actual or perceived race, creed, color, gender sex, sexual orientation, gender identity, age, marital status, homelessness, physical or mental disability, religion, ancestry or national origin, disability age, familial status or status as a consumer of mental health services.

See title page for effective date.

**CHAPTER 554**

**H.P. 1336 - L.D. 1795**

**An Act To Update Statutory References to Building Code Standards for Public Improvements**

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

**Sec. 1. 5 MRSA §1742, sub-§6-A,** as amended by PL 2001, c. 607, §1, is further amended to read:

**6-A. Building code.** To adopt for design purposes for all public improvements the ~~most recent version of one of the following published compilations of rules that has been prepared by the International Code Council, the American Insurance Association, the Building Officials and Code Administrators International, the International Conference of Building Officials, the National Fire Protection Association or the Southern Building Code Congress, except that, where an administrative unit has adopted one of the above codes, that code must be used for the design of a school building in that administrative unit~~ current Maine Uniform Building and Energy Code pursuant to Title 10, section 9722.

~~The bureau has discretion to determine which portions of the building codes used in this subsection are applicable to public improvement projects. This determination must be adopted by rule and applies to all public improvement projects covered by those codes. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter H-A 2-A;~~

**Sec. 2. 5 MRSA §1742, sub-§24,** as amended by PL 2005, c. 634, §4, is further amended to read: