

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

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

Augusta, Maine
2024

PUBLIC LAWS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
2023

CHAPTER 487
H.P. 54 - L.D. 86

**An Act to Restore the Former
State of Maine Flag**

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

Sec. 1. 1 MRSA §206 is amended to read:

§206. State flag

The flag to be known as the official flag of the State ~~shall be of blue, of the same color as the blue field in the flag of the United States, and of the following dimensions and designs; to wit, the length or height of the staff to be 9 feet, including brass spearhead and ferrule; the fly of said flag to be 5 feet 6 inches, and to be 4 feet 4 inches on the staff; in the center of the flag there shall be embroidered in silk on both sides of the flag the coat of arms of the State, in proportionate size; the edges to be trimmed with knotted fringe of yellow silk, 2 1/2 inches wide; a cord, with tassels, to be attached to the staff at the spearhead, to be 8 feet 6 inches long and composed of white and blue silk strands must be buff, charged with the emblem of the State, a pine tree proper, in the center, and the North Star, a mullet of 5 points, in blue in the upper corner; the star to be equidistant from the hoist and the upper border of the flag, the distance from the 2 borders to the center of the star being equal to about 1/4 of the hoist, this distance and the size of the star being proportionate to the size of the flag. A flag made in accordance with the description given in this section ~~shall~~ must be kept in the office of the Adjutant General as a model once approved by the Secretary of State.~~

Sec. 2. 37-B MRSA §384, as enacted by PL 1983, c. 460, §3, is amended to read:

§384. Flag to be carried

The flag of the State to be carried by the National Guard ~~shall~~ must be the same as the flag described in Title 1, section 206, with addition of a scroll in red below the ~~coat of arms emblem~~ of the State bearing the inscription, "Maine National Guard."

Sec. 3. Statutory referendum procedure; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants

of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor making the former state flag, replaced as the official flag of the State in 1909 and commonly known as the Pine Tree Flag, the official flag of the State?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 488
H.P. 106 - L.D. 165

**An Act to Increase the
Governor's Salary**

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

Sec. 1. 2 MRSA §1, 3rd ¶, as amended by PL 2019, c. 475, §6, is further amended to read:

~~Until the first Wednesday of January 1987, the Governor receives an annual salary of \$35,000. Beginning the first Wednesday of January 1987, the Governor is entitled to receive an annual salary of \$70,000. Beginning the first Wednesday of January 2027, the Governor is entitled to receive an annual salary of \$125,000.~~

Sec. 2. 2 MRSA §2, as amended by PL 2019, c. 475, §9, is further amended to read:

§2. Expense account

The "Governor's Expense Account" must be credited with those amounts that are appropriated by the Legislature for that purpose \$40,000 annually. This appropriation must be available for expenditure by the Governor at the Governor's discretion. This account is not subject to audit, except as to total amount to be paid.

See title page for effective date.

**CHAPTER 489
H.P. 177 - L.D. 279**

**An Act to Protect Against
Discrimination by Public
Entities**

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

Sec. 1. 5 MRSA §4553, sub-§8-D, ¶A, as amended by PL 2019, c. 464, §1, is further amended to read:

A. Subchapter 3 (employment); ~~and.~~

Sec. 2. 5 MRSA §4553, sub-§8-D, ¶B, as amended by PL 2019, c. 464, §1, is repealed.

Sec. 3. 5 MRSA §4553, sub-§8-D, as amended by PL 2019, c. 464, §1, is further amended by repealing the 2nd blocked paragraph.

Sec. 4. 5 MRSA §4553, sub-§10, ¶F, as amended by PL 2005, c. 10, §5, is further amended to read:

F. Unlawful educational discrimination as defined and limited by subchapter 5-B; ~~and~~

Sec. 5. 5 MRSA §4553, sub-§10, ¶G, as amended by PL 2021, c. 366, §3, is further amended to read:

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

- (1) Employment, as is more fully set forth in section 4553, subsection 4 and section 4573-A;
- (2) Housing; and
- (3) Educational opportunity.

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

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

H. Unlawful discrimination by public entities as described in section 4630.

Sec. 7. 5 MRSA §4592, sub-§1, ¶C, as enacted by PL 1995, c. 393, §22, is amended to read:

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

Sec. 8. 5 MRSA §4592, sub-§1, ¶D, as amended by PL 2021, c. 366, §13, is further amended to read:

D. A private entity's failure to remove architectural barriers and communication barriers that are structural in nature in existing facilities and transportation barriers in existing vehicles and rail passenger cars used by an 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 hydraulic or other lift, where the removal is readily achievable.

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

Sec. 9. 5 MRSA §4592, sub-§1, ¶E, as enacted by PL 1995, c. 393, §22, is repealed.

Sec. 10. 5 MRSA §4630 is enacted to read:

§4630. Discrimination by public entities prohibited

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

2. Exception; direct threat. This section does not require a public entity to permit an individual to participate in or benefit from a service, program or activity of a public entity when the individual poses a direct threat to the health or safety of others. For the purposes of this subsection, "direct threat" means a significant risk to the health or safety of others that cannot be