

MAINE STATE LEGISLATURE

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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

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Sec. 2. 5 MRSA §4553, sub-§8-D, ¶B, as amended by PL 2019, c. 464, §1, is repealed.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

eliminated by a modification of a policy, practice or procedure or by the provision of an auxiliary aid or service.

3. Continued applicability. This section does not diminish the applicability of other provisions of this chapter to public entities acting as employers, providing public accommodations or education or acting as providers of credit or housing.

Sec. 11. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Establishes one limited-period Assistant Attorney General position in the litigation division through June 14, 2025 and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$89,018	\$122,242
All Other	\$6,519	\$8,692
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$95,537	\$130,934

ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2023-24	2024-25
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OTHER SPECIAL REVENUE FUNDS	\$95,537	\$130,934
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DEPARTMENT TOTAL - ALL FUNDS	\$95,537	\$130,934
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CORRECTIONS, DEPARTMENT OF

Administration - Corrections 0141

Initiative: Establishes one limited-period Correctional Care and Treatment Worker position and provides funding for Assistant Attorney General billing costs and other related costs to investigate claims made to the Maine Human Rights Commission and submit relevant documents, data and records. The position begins January 1, 2024 and ends June 14, 2025.

GENERAL FUND	2023-24	2024-25
Personal Services	\$47,965	\$100,140
All Other	\$2,035	\$118,424
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GENERAL FUND TOTAL	\$50,000	\$218,564

CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS	2023-24	2024-25
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GENERAL FUND	\$50,000	\$218,564
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DEPARTMENT TOTAL - ALL FUNDS	\$50,000	\$218,564
SECTION TOTALS	2023-24	2024-25
GENERAL FUND	\$50,000	\$218,564
OTHER SPECIAL REVENUE FUNDS	\$95,537	\$130,934
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SECTION TOTAL - ALL FUNDS	\$145,537	\$349,498

See title page for effective date.

CHAPTER 490

H.P. 309 - L.D. 492

An Act to Repurpose Vacant Shopping Mall and Retail Space to Mixed-use Housing and Retail

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

Sec. 1. 30-A MRSA §4364-C, sub-§3 is enacted to read:

3. Residential units in commercial zones. As necessary to achieve the statewide and regional housing production goals, a municipality may adopt ordinances to allow the establishment of residential units in high-density areas within buildings located in an area zoned for commercial use, including but not limited to vacant or partially vacant retail property. An ordinance establishing a limit on the number of residential units within a building in a location zoned for commercial use, whether previously adopted or adopted pursuant to this subsection, must be proportional to the space available for residential units. This subsection is not intended to reduce or change health or safety requirements applicable to residential units located in a municipality.

See title page for effective date.

CHAPTER 491

S.P. 250 - L.D. 582

An Act to Enhance Certain Penalties for Possession of Firearms by Prohibited Persons

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

Sec. 1. 15 MRSA §393, sub-§1, ¶A-1, as amended by PL 2021, c. 608, Pt. B, §§1 to 3, is further amended by amending the first blocked paragraph to read: