



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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**Legislative Document**

**No. 1898**

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H.P. 1269

House of Representatives, May 5, 2025

### **An Act to Correct Outdated References Regarding the Maine Human Rights Act**

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Received by the Clerk of the House on May 1, 2025. Referred to the Committee on  
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MOONEN of Portland.

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

2       **Sec. 1. 5 MRSA §4572, sub-§1**, as amended by PL 2021, c. 293, Pt. B, §2 and c.  
3       366, §5 and c. 476, §1, is further amended to read:

4       **1. Unlawful employment discrimination.** It is unlawful employment discrimination,  
5       in violation of this Act, except when based on a bona fide occupational qualification:

6       A. For any employer to fail or refuse to hire or otherwise discriminate against any  
7       applicant for employment because of race or color, sex, sexual orientation or gender  
8       identity, physical or mental disability, religion, age, ancestry, national origin or familial  
9       status, because of the applicant's previous assertion of a claim or right under former  
10      Title 39 or Title 39-A, because of previous actions taken by the applicant that are  
11      protected under Title 26, chapter 7, subchapter 5-B or because the applicant sought and  
12      received an order of protection under Title 19-A, former section 4007 or a final  
13      protection order pursuant to Title 19-A, section 4110 or pursuant to a substantially  
14      similar provision of the law of another state or nation; or, because of those reasons, to  
15      discharge an employee or discriminate with respect to hire, tenure, promotion, transfer,  
16      compensation, terms, conditions or privileges of employment or any other matter  
17      directly or indirectly related to employment; or, in recruiting of individuals for  
18      employment or in hiring them, to utilize any employment agency that the employer  
19      knows or has reasonable cause to know discriminates against individuals because of  
20      their race or color, sex, sexual orientation or gender identity, physical or mental  
21      disability, religion, age, ancestry, national origin or familial status, because of their  
22      previous assertion of a claim or right under former Title 39 or Title 39-A, because of  
23      previous actions that are protected under Title 26, chapter 7, subchapter 5-B or because  
24      the applicant sought and received an order of protection under Title 19-A, former  
25      section 4007 or a final protection order pursuant to Title 19-A, section 4110 or pursuant  
26      to a substantially similar provision of the law of another state or nation.

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

29      B. For any employment agency to fail or refuse to classify properly, refer for  
30      employment or otherwise discriminate against any individual because of race or color,  
31      sex, sexual orientation or gender identity, physical or mental disability, religion, age,  
32      ancestry, national origin or familial status, because of the individual's previous  
33      assertion of a claim or right under former Title 39 or Title 39-A, because of previous  
34      actions taken by the individual that are protected under Title 26, chapter 7, subchapter  
35      5-B or because the individual sought and received an order of protection under Title  
36      19-A, former section 4007 or a final protection order pursuant to Title 19-A, section  
37      4110 or pursuant to a substantially similar provision of the law of another state or  
38      nation; or to comply with an employer's request for the referral of job applicants if a  
39      request indicates either directly or indirectly that the employer will not afford full and  
40      equal employment opportunities to individuals regardless of their race or color, sex,  
41      sexual orientation or gender identity, physical or mental disability, religion, age,  
42      ancestry, national origin or familial status, because of previous assertion of a claim or  
43      right under former Title 39 or Title 39-A, because of previous actions that are protected  
44      under Title 26, chapter 7, subchapter 5-B or because the individual sought and received  
45      an order of protection under Title 19-A, former section 4007 or a final protection order

1 pursuant to Title 19-A, section 4110 or pursuant to a substantially similar provision of  
2 the law of another state or nation;

3 C. For any labor organization to exclude from apprenticeship or membership or to  
4 deny full and equal membership rights to any applicant for membership because of race  
5 or color, sex, sexual orientation or gender identity, physical or mental disability,  
6 religion, age, ancestry, national origin or familial status, because of the applicant's  
7 previous assertion of a claim or right under former Title 39 or Title 39-A, because of  
8 previous actions taken by the applicant that are protected under Title 26, chapter 7,  
9 subchapter 5-B or because the applicant sought and received an order of protection  
10 under Title 19-A, former section 4007 or a final protection order pursuant to Title 19-A,  
11 section 4110 or pursuant to a substantially similar provision of the law of another state  
12 or nation; or, because of those reasons, to deny a member full and equal membership  
13 rights, expel from membership, penalize or otherwise discriminate with respect to hire,  
14 tenure, promotion, transfer, compensation, terms, conditions or privileges of  
15 employment, representation, grievances or any other matter directly or indirectly  
16 related to membership or employment, whether or not authorized or required by the  
17 constitution or bylaws of that labor organization or by a collective labor agreement or  
18 other contract; to fail or refuse to classify properly or refer for employment or otherwise  
19 discriminate against any member because of race or color, sex, sexual orientation or  
20 gender identity, physical or mental disability, religion, age, ancestry, national origin or  
21 familial status, because of the member's previous assertion of a claim or right under  
22 former Title 39 or Title 39-A, because of previous actions taken by the member that  
23 are protected under Title 26, chapter 7, subchapter 5-B or because the applicant sought  
24 and received an order of protection under Title 19-A, former section 4007 or a final  
25 protection order pursuant to Title 19-A, section 4110 or pursuant to a substantially  
26 similar provision of the law of another state or nation; or to cause or attempt to cause  
27 an employer to discriminate against an individual in violation of this section, except  
28 that it is lawful for labor organizations and employers to adopt a maximum age  
29 limitation in apprenticeship programs, if the employer or labor organization obtains  
30 prior approval from the Maine Human Rights Commission of any maximum age  
31 limitation employed in an apprenticeship program. The commission shall approve the  
32 age limitation if a reasonable relationship exists between the maximum age limitation  
33 employed and a legitimate expectation of the employer in receiving a reasonable return  
34 upon the employer's investment in an apprenticeship program. The employer or labor  
35 organization bears the burden of demonstrating that such a relationship exists;

36 D. For any employer, employment agency or labor organization, prior to employment  
37 or admission to membership of any individual, to:

38 (1) Elicit or attempt to elicit information directly or indirectly pertaining to race  
39 or color, sex, sexual orientation or gender identity, physical or mental disability,  
40 religion, age, ancestry, national origin or familial status, any previous assertion of  
41 a claim or right under former Title 39 or Title 39-A, any previous actions that are  
42 protected under Title 26, chapter 7, subchapter 5-B or any previous actions seeking  
43 and receiving an order of protection under Title 19-A, former section 4007 or a  
44 final protection order pursuant to Title 19-A, section 4110 or pursuant to a  
45 substantially similar provision of the law of another state or nation;

(2) Make or keep a record of race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin or familial status, any previous assertion of a claim or right under former Title 39 or Title 39-A, any previous actions that are protected under Title 26, chapter 7, subchapter 5-B or any previous actions seeking and receiving an order of protection under Title 19-A, former section 4007 or a final protection order pursuant to Title 19-A, section 4110 or pursuant to a substantially similar provision of the law of another state or nation, except that, in relation to physical or mental disability, when an employer requires a physical or mental examination prior to employment, a privileged record of that examination is permissible if made and kept in compliance with this Act;

(3) Use any form of application for employment, or personnel or membership blank containing questions or entries directly or indirectly pertaining to race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin or familial status, any previous assertion of a claim or right under former Title 39 or Title 39-A, any previous actions that are protected under Title 26, chapter 7, subchapter 5-B or any previous actions seeking and receiving an order of protection under Title 19-A, former section 4007 or a final protection order pursuant to Title 19-A, section 4110 or pursuant to a substantially similar provision of the law of another state or nation. This section does not prohibit any officially recognized government agency from keeping records permitted to be kept under this Act in order to provide free services to individuals requesting rehabilitation or employment assistance;

(4) Print, publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin or familial status, any previous assertion of a claim or right under former Title 39 or Title 39-A, any previous actions that are protected under Title 26, chapter 7, subchapter 5-B or any previous actions seeking and receiving an order of protection under Title 19-A, former section 4007 or a final protection order pursuant to Title 19-A, section 4110 or pursuant to a substantially similar provision of the law of another state or nation; or

(5) Establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin or familial status, because of the previous assertion of a claim or right under former Title 39 or Title 39-A, because of previous actions that are protected under Title 26, chapter 7, subchapter 5-B or because of any previous actions seeking and receiving an order of protection under Title 19-A, former section 4007 or a final protection order pursuant to Title 19-A, section 4110 or pursuant to a substantially similar provision of the law of another state or nation, of that group; or

E. For an employer, employment agency or labor organization to discriminate in any manner against individuals because they have opposed a practice that would be a violation of this Act or because they have made a charge, testified or assisted in any

1 investigation, proceeding or hearing under this Act. This paragraph does not limit the  
2 liability of persons pursuant to section 4633.

3 **Sec. 2. 5 MRSA §4581, first ¶**, as amended by PL 2021, c. 366, §7 and c. 476, §2,  
4 is further amended to read:

5 The opportunity for an individual to secure housing in accordance with the individual's  
6 ability to pay, and without discrimination because of race, color, sex, sexual orientation or  
7 gender identity, physical or mental disability, religion, ancestry, national origin or familial  
8 status or because the individual has sought and received an order of protection under Title  
9 19-A, former section 4007 or a final protection order pursuant to Title 19-A, section 4110  
10 or pursuant to a substantially similar provision of the law of another state or nation, is  
11 hereby recognized as and declared to be a civil right.

12 **Sec. 3. 5 MRSA §4581-A, sub-§1**, as amended by PL 2021, c. 366, §8 and c. 476,  
13 §3, is further amended to read:

14 **1. Sale or rental of housing and other prohibited practices.** For any owner, lessee,  
15 sublessee, managing agent or other person having the right to sell or rent or manage a  
16 housing accommodation, or any agent of these, to:

17 A. Make or cause to be made any written or oral inquiry concerning the race or color,  
18 sex, sexual orientation or gender identity, physical or mental disability, religion,  
19 ancestry, national origin, familial status or any previous actions seeking and receiving  
20 an order of protection under Title 19-A, former section 4007 or a final protection order  
21 pursuant to Title 19-A, section 4110 or pursuant to a substantially similar provision of  
22 the law of another state or nation of any prospective purchaser, occupant or tenant of  
23 the housing accommodation;

24 B. Refuse to show or refuse to sell, rent, lease, let or otherwise deny to or withhold  
25 from any person the housing accommodation because of race or color, sex, sexual  
26 orientation or gender identity, physical or mental disability, religion, ancestry, national  
27 origin or familial status or because the person sought and received an order of  
28 protection under Title 19-A, former section 4007 or a final protection order pursuant  
29 to Title 19-A, section 4110 or pursuant to a substantially similar provision of the law  
30 of another state or nation;

31 C. Make, print or publish or cause to be made, printed or published any notice,  
32 statement or advertisement relating to the sale, rental or lease of the housing  
33 accommodation that indicates any preference, limitation or discrimination based upon  
34 race or color, sex, sexual orientation or gender identity, physical or mental disability,  
35 religion, ancestry, national origin, familial status or any previous actions seeking and  
36 receiving an order of protection under Title 19-A, former section 4007 or a final  
37 protection order pursuant to Title 19-A, section 4110 or pursuant to a substantially  
38 similar provision of the law of another state or nation or an intention to make any such  
39 preference, limitation or discrimination;

40 D. Discriminate against any person because of race or color, sex, sexual orientation or  
41 gender identity, physical or mental disability, religion, ancestry, national origin or  
42 familial status or because the person sought and received an order of protection under  
43 Title 19-A, former section 4007 or a final protection order pursuant to Title 19-A,  
44 section 4110 or pursuant to a substantially similar provision of the law of another state

1       or nation in the price, terms, conditions or privileges of the sale, rental or lease of any  
2       housing accommodations or in the furnishing of facilities or services in connection  
3       with any housing accommodations; or

4       E. Evict or attempt to evict any tenant of any housing accommodation because of the  
5       race or color, sex, sexual orientation or gender identity, physical or mental disability,  
6       religion, ancestry, national origin or familial status of the tenant or because the tenant  
7       sought and received an order of protection under Title 19-A, former section 4007 or a  
8       final protection order pursuant to Title 19-A, section 4110 or pursuant to a substantially  
9       similar provision of the law of another state or nation;

10       **Sec. 4. 5 MRSA §4581-A, sub-§2**, as amended by PL 2021, c. 366, §9 and c. 476,  
11       §3, is further amended to read:

12       **2. Selling, brokering or appraising of housing.** For any real estate broker or real  
13       estate salesperson, or any agent of these, to:

14       A. Fail or refuse to show any person a housing accommodation listed for sale, lease or  
15       rent because of race or color, sex, sexual orientation or gender identity, physical or  
16       mental disability, religion, ancestry, national origin or familial status or because the  
17       person sought and received an order of protection under Title 19-A, former section  
18       4007 or a final protection order pursuant to Title 19-A, section 4110 or pursuant to a  
19       substantially similar provision of the law of another state or nation;

20       B. Misrepresent, for the purpose of discriminating because of race or color, sex, sexual  
21       orientation or gender identity, physical or mental disability, religion, ancestry, national  
22       origin, familial status or any previous actions seeking and receiving an order of  
23       protection under Title 19-A, former section 4007 or a final protection order pursuant  
24       to Title 19-A, section 4110 or pursuant to a substantially similar provision of the law  
25       of another state or nation, the availability or asking price of a housing accommodation  
26       listed for sale, lease or rent or for such reason to fail to communicate to the person  
27       having the right to sell, rent or lease the housing accommodation any offer for the same  
28       made by any applicant;

29       C. In any other manner to discriminate against any applicant for a housing  
30       accommodation because of race or color, sex, sexual orientation or gender identity,  
31       physical or mental disability, religion, ancestry, national origin or familial status or  
32       because the applicant sought and received an order of protection under Title 19-A,  
33       former section 4007 or a final protection order pursuant to Title 19-A, section 4110 or  
34       pursuant to a substantially similar provision of the law of another state or nation;

35       D. Make or cause to be made any written or oral inquiry or record concerning the race  
36       or color, sex, sexual orientation or gender identity, physical or mental disability,  
37       religion, ancestry, national origin, familial status or any previous actions seeking and  
38       receiving an order of protection under Title 19-A, former section 4007 or a final  
39       protection order pursuant to Title 19-A, section 4110 or pursuant to a substantially  
40       similar provision of the law of another state or nation of any applicant for or intended  
41       occupant of a housing accommodation; or

42       E. Accept for listing any housing accommodation when the person having the right to  
43       sell, rent or lease the housing accommodation has directly or indirectly indicated an  
44       intention of discriminating among prospective tenants or purchasers on the ground of

1 race or color, sex, sexual orientation or gender identity, physical or mental disability,  
2 religion, ancestry, national origin, familial status or any previous actions seeking and  
3 receiving an order of protection under Title 19-A, former section 4007 or a final  
4 protection order pursuant to Title 19-A, section 4110 or pursuant to a substantially  
5 similar provision of the law of another state or nation, or when the broker or salesperson  
6 knows or has reason to know that the person having the right to sell, rent or lease the  
7 housing accommodation has made a practice of discrimination since July 1, 1972;

8 **Sec. 5. 5 MRSA §4581-A, sub-§3**, as amended by PL 2021, c. 366, §10 and c. 476,  
9 §3, is further amended to read:

10 **3. Making of loans; other financial assistance.** For any person to whom application  
11 is made for a loan or other form of financial assistance for the acquisition, construction,  
12 rehabilitation, repair or maintenance of any housing accommodation, whether secured or  
13 unsecured, or agent of the person, to:

14 A. Make or cause to be made any oral or written inquiry concerning the race or color,  
15 sex, sexual orientation or gender identity, physical or mental disability, religion,  
16 ancestry, national origin, familial status or any previous actions seeking and receiving  
17 an order of protection under Title 19-A, former section 4007 or a final protection order  
18 pursuant to Title 19-A, section 4110 or pursuant to a substantially similar provision of  
19 the law of another state or nation of any applicant for financial assistance or of existing  
20 or prospective occupants or tenants of housing accommodations; or

21 B. Discriminate in the granting of financial assistance, or in the terms, conditions or  
22 privileges relating to obtaining or the use of any financial assistance, against any  
23 applicant because of race or color, sex, sexual orientation or gender identity, physical  
24 or mental disability, religion, ancestry, national origin, familial status or any previous  
25 actions seeking and receiving an order of protection under Title 19-A, former section  
26 4007 or a final protection order pursuant to Title 19-A, section 4110 or pursuant to a  
27 substantially similar provision of the law of another state or nation; or

## 28 SUMMARY

29 This bill modifies provisions of the Maine Human Rights Act to correct references to  
30 protection orders that were sought or received under the Maine Revised Statutes, Title  
31 19-A, former section 4007, which was repealed effective January 1, 2023. The bill clarifies  
32 that it remains unlawful to discriminate against an individual on the basis of that  
33 individual's previous actions seeking or receiving an order of protection under the former  
34 law and that it is unlawful to discriminate against an individual on the basis of that  
35 individual's previous actions seeking or receiving a final protection order under the current  
36 law or under a substantially similar provision of the law of another state or nation.