



Maine Human Rights Commission

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Kit Thomson Crossman
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May 8, 2025

The Honorable Anne Carney, Senate Chair
The Honorable Amy Kuhn, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

Re: An Act to Remove Consideration of Gender Identity from the Maine Human Rights Act - LD 1432

Senator Carney, Representative Kuhn, and Members of the Joint Standing Committee on Judiciary:

The Maine Human Rights Commission ("Commission") is Maine's quasi-independent, nonpartisan State agency charged with enforcing our state anti-discrimination law, the Maine Human Rights Act, 5 M.R.S. §§ 4551, *et seq.* ("MHRA"). The Commission is statutorily charged with the duties of: investigating, conciliating, and at times litigating protected-class discrimination cases under the MHRA; promulgating rules and regulations to effectuate the Act; and making recommendations for further legislation or executive action concerning infringements on human rights in Maine. 5 M.R.S. § 4566(7), (11). With those duties in mind, the Commission provides this testimony against LD 1432.

The primary purpose of the Commission is the *protection* of human rights in this state. The Commission and its staff take that mission seriously. In the history of the MHRA, I do not believe a protected class has ever been removed. Now is not the time to start.

LD 1337, Section 1

The first section of this bill seeks to omit private entities that own or operate facilities providing emergency shelter to women from the definition of "place of public accommodation." The definition of a public accommodation is expansive, *see* § 4553(8), in line with the broad purpose of the MHRA: "to keep continually in review *all* practices infringing on the basic human right to a life with dignity." Removing a specific kind of entity from the definition of public accommodation effectively nullifies the MHRA's jurisdiction over that entity, meaning that it becomes legal for that entity to discriminate. This bill effectively withdraws MHRA protections for *any individual* who uses those facilities. For example, a shelter could ostensibly turn away a disabled woman because the building is inaccessible, or because the symptoms of her disability make the staff or other patrons uncomfortable. It could prohibit access to a black woman because she was black, or a Christian woman because she was Christian.

No one seeking to access the services of an emergency women's shelter should be deprived of the MHRA's protections, and the Commission cannot support or remain neutral for a bill that undermines the rights that the MHRA was established to safeguard.

LD 1432

I'd like to begin with a brief legislative history of how gender identity was originally added to the MHRA, and for your reference I've attached that history to my testimony. In 2005, several members of the 122nd session of this

Legislature sponsored LD 1196, *An Act to Extend Civil Rights Protections to All People Regardless of Sexual Orientation*. After adding sexual orientation to § 4552 (the policy section of the MHRA), the first substantive amendment the bill made was to § 4553, adding the definition of sexual orientation. As written, that definition read as follows: “‘Sexual orientation’ means a person’s actual or perceived heterosexuality, bisexuality, homosexuality or *gender identity or expression*” (emphasis added). The bill passed the House and the Senate with overwhelming margins and was signed into law by Governor Baldacci. There was then a People’s Veto referendum to overturn the law. On November 8, 2005, Mainers went to the polls and overwhelmingly voted to *keep* the new provisions in the MHRA, by a margin of over 40,000 votes. Mainers made their voices heard both through the legislative process and at the ballot box, and as a result, gender identity has been a protected class under the MHRA for almost exactly 20 years.

I think it’s important to point out that the provisions of the MHRA that protect people on the basis of gender identity protect everyone, regardless of what their gender identity is, the same as for every other protected class, in every area of the Act’s jurisdiction. Twenty years ago, much of the debate on the floor of the House was about whether it should be legal to fire someone, or evict them, or deny them credit, or exclude them from equal participation in their education, including athletic programs, because of their sexual orientation or gender identity (and those legislators understood that gender identity was part of the bill, it’s right there in their floor speeches). Their answer, and the answer of the people, was no, as your answer should be on this bill. It has been twenty years and the sky has not fallen.

Thank you for this opportunity to provide testimony against both LD 1337 and LD 1432. The Commission would be pleased to discuss these issues with you at your convenience, including at the work session on this matter.

Sincerely,

Kit Thomson Crossman, Executive Director
Barbara Archer Hirsch, Commission Counsel

Cc: Commissioners



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Sexual Orientation and Gender Identity in the Maine Human Rights Act

Updated through the 130th Legislature

[Introduction](#)

This legislative history covers efforts to amend the Maine Human Rights Act ([5 MRS §4551 et seq](#)) to include protections from discrimination based on sexual orientation and gender identity.

Browse by Session Law / LD: Session Law / LD



Year	LD	Amendments	Final Disposition	Legislative Record Debate & Remarks	Other Documents & News Clips	Full LD History
1977	LD 1419 An Act to Include the Term "Sexual or Affectional Preference" in the Maine Human Rights Act	Proposed amendment: H-444	ONTP	House, June 1, 1977 p. 1350-1356 Senate, June 2, 1977 p. 1411-1412 Roll Call Votes	News Clips: Please contact a Reference Librarian.	N/A
1979	LD 860 An Act to Include the Term "Sexual or Affectional	N/A	ONTP	House, April 26, 1979 p. 880-883 Senate, April	News Clips: Please contact a Reference Librarian.	N/A

[Top](#)

	Orientation" in the Maine Human Rights Act			<u>27, 1979</u> p. 916 <u>Roll Call Votes</u>		
1981	<u>LD 961</u> An Act to Include the Term "Sexual or Affectional Orientation" in the Maine Human Rights Act	N/A	Died between houses	<u>Senate, May</u> <u>8, 1981</u> p. 1006-1009 <u>House, May</u> <u>11, 1981</u> p. 1013-1016 <u>Roll Call Votes</u>	News Clips: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u>	<u>Yes</u>
1983	<u>LD 679</u> An Act to Include the Term "Sexual or Affectional Orientation" in the Maine Human Rights Act	Proposed amendments: <u>S-117</u> <u>S-123</u>	Died between houses	<u>Senate, May</u> <u>16, 1983</u> p. 885-887 <u>House, May</u> <u>17, 1983</u> p. 890-895 <u>House, May</u> <u>18, 1983</u> p. 916 <u>Roll Call Votes</u>	Committee File: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u> News Clips: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u>	<u>Yes</u>
1985	<u>LD 1249</u> An Act to Include the Term 'Sexual Orientation' in the Maine Human Rights Act	Proposed amendment: <u>S-221</u>	Died between houses	<u>House, June</u> <u>7, 1985</u> p. 1075-1079 <u>Senate, June</u> <u>7, 1985</u> p. 1093-1094 <u>House, June</u> <u>10, 1985</u> p. 1097-1098 <u>Roll Call Votes</u>	Committee File: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u> News Clips: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u>	<u>Yes</u>
1987	<u>LD 602</u> An Act to Include the Term Sexual Orientation in the Maine Human Rights Act	N/A	Majority ONTP accepted by Senate House: Indefinitely postponed	<u>House, May</u> <u>27, 1987</u> p. 1055-1063 <u>Senate, May</u> <u>27, 1987</u> p. 1071-1074 <u>Roll Call Votes</u>	Committee File: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u> News Clips: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u>	<u>Yes</u>
1989	<u>LD 556</u>	Proposed amendments:	Died between houses	<u>House, May</u> <u>18, 1989</u> p. 852-859	Committee File: <u>Please contact a</u> <u>Reference</u>	<u>Yes</u>

Top

Top

	An Act to Prevent Discrimination	<u>H-211</u> <u>H-236</u> <u>H-319</u>		<u>House, May 19, 1989</u> p. 882-887 <u>Senate, May 22, 1989</u> p. 916-924 <u>House, May 30, 1989</u> p. 1016-1019 <u>Senate, May 31, 1989</u> p. 1043-1045 <u>Roll Call Votes</u>	<u>Librarian.</u> News Clips: <u>Please contact a Reference Librarian.</u>	
1991	<u>LD 430</u> An Act to Prevent Discrimination	Proposed amendments: <u>H-60</u> <u>S-32</u> <u>S-33</u>	Died between houses	<u>Senate, March 28, 1991</u> p. S-396-S-411 <u>House, April 1, 1991</u> p. H-411-H-428 <u>Senate, April 11, 1991</u> p. S-459-S-460 <u>Senate, April 11, 1991</u> p. S-472 <u>House, April 16, 1991</u> p. H-507-H-515 <u>Senate, April 16, 1991</u> p. S-481 <u>Roll Call Votes</u>	Committee File: <u>Please contact a Reference Librarian.</u> News Clips: <u>Please contact a Reference Librarian.</u>	<u>Yes</u>
1993	<u>LD 246</u> An Act to Prevent Discrimination	Proposed amendments: <u>S-57</u> <u>H-147</u> <u>S-60</u> <u>H-149</u> <u>S-61</u> <u>H-151</u> <u>S-62</u> <u>H-152</u> <u>S-63</u> <u>H-153</u>	Veto sustained	<u>Senate, April 12, 1993</u> p. S-387-S-390 <u>Senate, April 12, 1993</u> p. S-390-S-398	Committee File: <u>Please contact a Reference Librarian.</u> News Clips: <u>Please contact a</u>	<u>Yes</u>

		<u>S-64</u> <u>H-159</u> <u>S-65</u> <u>H-160</u> <u>S-66</u> <u>H-161</u> <u>S-77</u> <u>H-162</u>		<u>House, April 13, 1993</u> p. H-474-H-495 <u>Senate, April 13, 1993</u> p. S-409-S-417 <u>House, April 15, 1993</u> p. H-512-H-513 <u>Senate, May 4, 1993</u> p. S-531-S-533 <u>Senate, May 6, 1993</u> p. S-553-S-559 <u>Senate, May 6, 1993</u> p. S-579 <u>Roll Call Votes</u>	<u>Reference Librarian.</u>	
1995	<u>LD 1448</u> An Act to Reconcile Rights and Responsibilities with Respect to Sexual Orientation and Related Matters	N/A	ONTP	No debate.	Committee File: <u>Please contact a Reference Librarian.</u> News Clips: <u>Please contact a Reference Librarian.</u>	<u>Yes</u>
1997	<u>LD 1116</u> An Act to Prevent Discrimination	Proposed amendments: <u>H-397</u> <u>H-401</u> <u>H-402</u> <u>H-421</u>	<u>PL 1997, c. 205</u> Repealed in People's Veto referendum Feb. 10, 1998 Yes: 145,452 No: 138,135	<u>Senate, May 7, 1997</u> p. S-727-S-733 <u>House, May 8, 1997</u> p. H-696-H-713 <u>House, May 9, 1997</u> p. H-726 <u>Senate, May 9, 1997</u> p. S-794-S-795	Committee File: <u>Please contact a Reference Librarian.</u> News Clips: <u>Please contact a Reference Librarian.</u>	<u>Yes</u>

[Top](#)

				Senate, <u>February 10,</u> <u>1998</u> p. S-1590 <u>Roll Call Votes</u>		
1999	<u>LD 2239</u> An Act to Ensure Civil Rights and Prevent Discrimination	Enacted with amendment: <u>S-624</u> Proposed amendments: <u>S-625</u> <u>H-1046</u> <u>H-1052</u> <u>H-1053</u>	<u>PL 1999, c. 629</u> Failed at referendum Nov. 7, 2000 Yes: 314,012 No: 318,846	<u>Senate, April</u> <u>3, 2000</u> p. S-2001-S- 2007 <u>House, April</u> <u>4, 2000</u> p. H-2243-H- 2256 <u>House, April</u> <u>5, 2000</u> p. H-2296-H- 2298 <u>Roll Call Votes</u>	Committee File: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u> News Clips: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u>	<u>Yes</u>
2005	<u>LD 1196</u> An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation	Enacted with amendment: <u>H-92</u> Proposed amendments: <u>H-82</u> <u>H-89</u> <u>H-83</u> <u>H-94</u> <u>H-84</u> <u>H-95</u> <u>H-85</u> <u>S-38</u> <u>H-86</u> <u>S-44</u> <u>H-87</u> <u>S-48</u> <u>H-88</u>	<u>PL 2005, c. 10</u> Survived People's Veto referendum Nov. 8, 2005 Yes: 181,926 No: 223,274	<u>Senate, March</u> <u>28, 2005</u> p. S-336-S-339 <u>House, March</u> <u>29, 2005</u> p. H-291-H- 307 <u>Senate, March</u> <u>29, 2005</u> p. S-349-S-352 <u>Senate, March</u> <u>29, 2005</u> p. S-353-S-355 <u>Senate, March</u> <u>30, 2005</u> p. S-365 <u>Roll Call Votes</u>	Committee File: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u> News Clips: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u>	<u>Yes</u>
2005	<u>LD 1365</u> An Act To End Discrimination	N/A	ONT P	No debate.	Committee File: <u>Please contact a</u> <u>Reference</u> <u>Librarian.</u>	<u>Yes</u>

Top

2019	<u>LD 1701</u> An Act To Clarify Various Provisions of the Maine Human Rights Act	Enacted with amendment: <u>H-652</u>	<u>PL 2019, c. 464</u>	<u>Senate, June 19, 2019</u> p. S-1201-S-1203 <u>Roll Call Votes</u>	Committee File: <u>Please contact a Reference Librarian.</u>	<u>Yes</u>
2019	<u>LD 1703</u> An Act To Improve Consistency within the Maine Human Rights Act	Proposed amendments: <u>H-643</u> <u>H-654</u> <u>H-663</u> <u>H-665</u> <u>S-349</u>	Died upon conclusion of the 129th Legislature	<u>Senate, June 19, 2019</u> p. S-1200-S-1201 <u>Senate, March 3, 2020</u> p. S-1499-S-1501 <u>Roll Call Votes</u>	Committee File: <u>Please contact a Reference Librarian.</u>	<u>Yes</u>
2021	<u>LD 1688</u> An Act To Improve Consistency in Terminology and within the Maine Human Rights Act	Enacted with amendment: <u>S-323</u>	<u>PL 2021, c. 366</u>	No debate.	Committee File: <u>Please contact a Reference Librarian.</u>	<u>Yes</u>
2022	<u>LD 982</u> An Act To Protect against Discrimination by Public Entities	Enacted with amendment: <u>H-1033</u>	Died on adjournment	No debate.	Committee File: <u>Please contact a Reference Librarian.</u>	<u>Yes</u>