

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 522, L.D. 647)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1526

H.P. 1156

House of Representatives, April 29, 1983

Reported by Representative Benoit from the Committee on Judiciary and printed under Joint Rule 2.

Original bill presented by Representative Benoit of So. Portland. Cosponsored by Senator Trafton of Androscoggin, Senator Violette of Aroostook and Representative Drinkwater of Belfast.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Make Confidential  
Certain Documents of the Maine Human  
Rights Commission.

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

Sec. 1. 5 MRSA §4612, sub-§1, as amended by PL 1981, c. 6, is further amended to read:

1. Predetermination resolution; investigation.  
Upon receipt of such a complaint, the commission or its delegated single commissioner or investigator shall endeavor to resolve the matter by informal means prior to a determination of whether there are reasonable grounds to believe that unlawful discrimination has occurred. Nothing said or done as part of those endeavors nor the final agreement may be made public without the written consent of the parties to the proceeding nor used as evidence in any subsequent

1 proceeding, civil or criminal, except in a civil ac-  
2 tion filed by a party alleging a breach of agreement.  
3 The commission or its delegated commissioner or  
4 investigator shall conduct such preliminary investi-  
5 gation as it deems necessary to determine whether  
6 there are reasonable grounds to believe that unlawful  
7 discrimination has occurred. In conducting an inves-  
8 tigation, the commission, or its designated repre-  
9 sentative, shall have access at all reasonable times  
10 to premises, records, documents, individuals and  
11 other evidence or possible sources of evidence and  
12 may examine, record and copy those materials and take  
13 and record the testimony or statements of such per-  
14 sons as are reasonably necessary for the furtherance  
15 of the investigation. The commission may issue sub-  
16 poenas to compel access to or production of those  
17 materials or the appearance of those persons, subject  
18 to section 4566, subsections 4-A and 4-B, and may  
19 serve interrogatories on a respondent to the same  
20 extent as interrogatories served in aid of a civil  
21 action in the Superior Court. The commission may ad-  
22 minister oaths.

23 Sec. 2. 5 MRSA §4612, sub-§5, is enacted to  
24 read:

25 5. Confidentiality of 3rd-party records. The  
26 Legislature finds that persons who are not parties to  
27 a complaint under this chapter as a complainant or a  
28 person accused of discrimination have a right to pri-  
29 vacv. Any records of the commission which are open  
30 to the public under Title 1, chapter 13, shall be  
31 kept in such a manner as to ensure that data iden-  
32 tifying these 3rd parties is not reflected in the  
33 record. Only data reflecting the identity of these  
34 persons may be kept confidential.

35 STATEMENT OF FACT

36 This new draft amends the bill to provide confi-  
37 dentiality only for settlement agreements. The  
38 agreements may be made public if both of the parties  
39 consent to its release.

40 This new draft permits the Maine Human Rights  
41 Commission to delete data identifying 3rd parties,

1 not a party to the complaint, from their records.  
2 Other data in the records remains subject to the  
3 right-to-know law.

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