

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1647

S.P. 655

In Senate, April 15, 2025

An Act to Amend the Maine Human Rights Act to Provide Additional Remedies for Educational Discrimination

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.
Cosponsored by Representative MOONEN of Portland and
Senators: DUSON of Cumberland, INGWERSEN of York, RAFFERTY of York, ROTUNDO
of Androscoggin, TIPPING of Penobscot, Representatives: KUHN of Falmouth, SATO of
Gorham, SINCLAIR of Bath.

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

Sec. 1. 5 MRSA §4613, sub-§2, ¶B, as amended by PL 2023, c. 263, §1, is further amended by amending subparagraph (7) to read:

(7) An order to pay to the victim of unlawful discrimination, other than employment discrimination in the case of a respondent who has more than 14 employees or intentional educational discrimination, or, if the commission brings action on behalf of the victim, an order to pay to the victim, the commission or both, civil penal damages not in excess of \$20,000 in the case of the first order under this Act against the respondent, not in excess of \$50,000 in the case of a 2nd order against the respondent arising under the same subchapter of this Act and not in excess of \$100,000 in the case of a 3rd or subsequent order against the respondent arising under the same subchapter of this Act, except that the total amount of civil penal damages awarded in any action filed under this Act may not exceed the limits contained in this subparagraph;

Sec. 2. 5 MRSA §4613, sub-§2, ¶B, as amended by PL 2023, c. 263, §1, is further amended by enacting a new subparagraph (7-A) to read:

(7-A) In cases of intentional educational discrimination, compensatory damages as provided in this subparagraph.

(a) A complaining party may recover compensatory damages for loss of education, loss of educational opportunity, past and future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other nonpecuniary losses.

(b) When a discriminatory practice involves the provision of a reasonable accommodation, damages may not be awarded under this subparagraph when the educational institution demonstrates good faith efforts, in consultation with the person with the disability who has informed the educational institution that accommodation is needed, to identify and make a reasonable accommodation that would provide that individual with an equally effective opportunity and would not cause an undue hardship on the operation of the educational institution.

(c) Compensatory damages awarded under this subparagraph do not include any other type of relief authorized elsewhere under this subsection.

(d) Nothing in this subparagraph may be construed to limit the scope of or the relief available under any other state or federal law.

(e) If a complaining party seeks compensatory damages under this subparagraph, any party may demand a trial by jury.

(f) This subparagraph does not apply to recoveries for a practice that is unlawful only because of its disparate impact;

SUMMARY

This bill modifies provisions of the Maine Human Rights Act to allow a court to award compensatory damages in cases of intentional educational discrimination. Compensatory damages include damages for loss of education, loss of educational opportunity, past and

1 future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of
2 enjoyment of life and other nonpecuniary losses.

3 The bill specifies that these compensatory damages are not available in cases when the
4 discriminatory practice involves the provision of a reasonable accommodation and the
5 educational institution had demonstrated good faith efforts, in consultation with the person
6 with the disability, to make a reasonable accommodation that would provide that individual
7 with an equally effective opportunity and would not cause undue hardship on the operation
8 of the educational institution.

9 Compensatory damages are not available in cases in which the practice was unlawful
10 only because of its disparate impact.

11 The bill also adds language that excludes cases of intentional educational
12 discrimination from the existing limited monetary remedy available for unlawful
13 discrimination under the Maine Human Rights Act.