

MAINE STATE LEGISLATURE

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STATE OF MAINE

ONE HUNDRED AND TWENTIETH LEGISLATURE

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MEMORANDUM

March 15, 2002

To: The Honorable Michael V. Saxl, Chair
The Honorable Michael H. Michaud, Vice-Chair Legislative Council

From: Senator Anne M. Rand, Senate Chair *AR*
Representative Charles C. LaVerdiere, House Chair *(Ca)*
Joint Standing Committee on Judiciary

Subj: Government Evaluation Act Review of the Maine Human Rights Commission

This memorandum is to inform you that the Joint Standing Committee on Judiciary has submitted its findings and recommendations from the review and evaluation of the Maine Human Rights Commission under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35. The committee finds that the Maine Human Rights Commission is operating within its statutory authority.

cc: Members, Legislative Council
Executive Director, Legislative Council

JOINT STANDING COMMITTEE ON JUDICIARY
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Review of the Maine Human Rights Commission under the Government Evaluation Act

The Government Evaluation Act

The Government Evaluation Act (“Act”) provides for a system of periodic review of the efficacy and performance of state government agencies. The review of an agency’s finances and programs must include a review of agency management and organization, program delivery, goals and objectives, statutory mandates and fiscal accountability. (3 MRSA § 951 et seq.) The law was enacted in the 117th Legislature to replace the former Government Audit and Program Review Committee and substituted a legislative audit of each agency on a rotating basis with an agency self assessment.

The focus of the Act is the agency program evaluation report that consists of a number of components required by the statute. Essentially, the report is an agency self-assessment that the committee of jurisdiction uses as a starting point for its evaluation of the agency’s effectiveness, efficiency and performance. The components that must be included in the report are: the agency’s enabling state and federal legislation; program descriptions; organizational structure, position count and job classifications; compliance with federal and state health and safety laws; ten-year financial summaries; regulatory agenda; coordinated efforts with other state agencies; constituencies served by the agency; alternative delivery systems; and emerging issues for the agency.

Review Process

In April of 2001, the Joint Standing Committee on Judiciary notified the Maine Human Rights Commission of its intent to review the agency pursuant to the schedule established in section 959 of Title 3. The Maine Human Rights Commission submitted its program evaluation report on October 29, 2001.

On January 29, 2002, the Maine Human Rights Commission presented its Program Evaluation Report to the committee at a public hearing. Members of the public were given time to comment after the presentation. The Judiciary Committee held follow-up meetings on February 6, 2002 and March 14, 2002 with the Maine Human Rights Commission.

Findings and Recommendation

The Joint Standing Committee on Judiciary has reviewed the Maine Human Rights Commission and finds that it is operating within its statutory authority. The Human Rights Commission investigates all forms of discrimination, whether carried out legally or illegally, and whether by public agencies or private persons. Detailed information about the Maine Human Rights

Commission can be found in the Office's Program Evaluation Report, which meets the criteria set in statute. (3 MRSA §956)

The Joint Standing Committee on Judiciary finds that the Maine Human Rights Commission is operating within its statutory authority. The committee has encouraged the commission to further examine a number of issues, including:

- Expanding its efforts to utilize a broader range of mediators;
- Continuing to look for outreach and education opportunities, particularly with respect to sexual harassment training in high schools; and
- Ensuring that as staff vacancies occur efforts are made to balance the gender makeup of the staff.

WHY A HUMAN RIGHTS COMMISSION ?

BENEFITS:

1. REMEDIES

ALL DISCRIMINATION CLAIMS MUST BE FILED WITH THE COMMISSION BEFORE GOING TO COURT IN ORDER TO RECEIVE REMEDIES PROVIDED BY THE ACT

2. TIME

MOST DISCRIMINATION COMPLAINTS ARE COMPLEX. TRAINED INVESTIGATORS SORT THROUGH DOCUMENTS AND WITNESSES AND BRING ISSUES – AND THE CASE – INTO FOCUS.

3. COST

BY SHOWING THE PARTIES HOW A COURT WOULD MOST LIKELY VIEW CASE, CASES THAT WOULD NOT PREVAIL ARE NOT FILED IN COURT FOR THE MOST PART

4. RESOLUTION

COMMISSION PROCESS AND STAFF FACILITATE SETTLEMENT. FACTS GATHERED THROUGHOUT THE PROCESS, WITH THE PARTIES' KNOWLEDGE, ENABLE BOTH SIDES TO BETTER ASSESS STRENGTHS AND WEAKNESSES OF A CASE. COMPLAINANTS CAN WITHDRAW FROM WEAK CASES; RESPONDENTS CAN SETTLE STRONG CASES.

5. UNDERSTANDING

COMMISSION'S PROCESS OF INVESTIGATION AND INTERACTION HELPS PARTIES UNDERSTAND EACH OTHER'S POSITION.