

MAINE STATE LEGISLATURE

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5 M.R.S.A § 4551 et seq
Human Rights Act

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April 27, 1976

Honorable Douglas M. Smith
House of Representatives
State House
Augusta, Maine

Dear Doug:

This responds to your oral request of yesterday raising certain questions regarding the impact of adoption of the Hay Report classification changes on current challenges to State employment practices under the Human Rights Act, 5 M.R.S.A. § 4551, et seq. or otherwise. Specifically, you posed three questions:

1. What will be the impact of adoption of the Hay Report on cases already adjudicated under the old classification system?
2. What will be the impact of adoption of the Hay Report on actions currently pending and undecided relating to current alleged discriminatory employment practices?
3. What will be the impact of adoption of the Hay Report on actions relating to current and past alleged discriminatory practices which have not yet been brought?

Without a specific fact situation to address a clear response is difficult; however, generally I would answer your questions as follows:

1. Actions already adjudicated for past discriminatory practices would not be affected at all by adoption of the Hay Report. Presumably the job and compensation changes required by those adjudications have already occurred. The status of persons involved in those past adjudications may again be affected by the Hay Report classification changes, but this would not undo what has already been determined in the past.

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2. To the extent that currently pending actions seek restitution for past discriminatory practices, they would not be affected by adoption of the Hay Report. Persons could continue to seek redress for past employment practices alleged to be discriminatory. However, adoption of the Hay Report would change the classification picture and issues relating to discrimination based on one's job classification would then have to be re-evaluated in light of the new classifications adopted by the Hay Report.

3. Future actions relating to current or past alleged discriminatory practices would be affected in the same way as currently pending actions. Actions for redress for past inequities could continue to be maintained, obviously within the time limits of the statute of limitations. However, actions which sought only changes in classification, ranges, etc. would have to be re-evaluated in light of the new circumstances created by classification changes of the Hay Report.

I hope this information is helpful.

Sincerely,

JOSEPH E. BRENNAN
Attorney General

JEB:mfe

cc: Representative Nancy R. Clark