

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

New Draft of: S. P. 664, L. D. 2044
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2150

S. P. 703

In Senate, February 16, 1978

Reported by Senator Morrell from the Committee on Performance Audit and
printed under Joint Rules No. 2

MAY M. ROSS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

**AN ACT to Encourage Early Resolution of Discrimination Complaints and to
Clarify the Subpoena Power of the Maine Human Rights Commission.**

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

Sec. 1. 5 MRSA § 4566, sub-§ 4-A is enacted to read:

4-A. Subpoena power. Pursuant to a complaint which has been filed in accordance with section 4611 by a person who has been subject to unlawful discrimination, the commission may issue subpoenas to compel access to or production of premises, records, documents and other evidence or possible sources of evidence or the appearance of persons, provided that there is reasonable cause to believe that those materials or the testimony of the persons are material to the complaint. The commission may not issue subpoenas except as provided in this subsection.

Sec. 2. 5 MRSA § 4612, sub-§ 1, as amended by PL 1973, c. 415, § 2, is repealed and the following enacted in its place:

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. The commission or its delegated commissioner or investigator shall conduct such preliminary investigation as it deems necessary to determine whether there are reasonable grounds to believe that unlawful discrimination has occurred. In conducting an investigation, the commission, or its designated representative, shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy those materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The commission may issue subpoenas to compel access to or production of those materials or the appearance of those persons, subject to section 4566, subsection 4-A, and may serve interrogatories on a respondent to the same extent as interrogatories served in aid of a civil action in the Superior Court. The commission may administer oaths.

STATEMENT OF FACT

This new draft permits the Maine Human Rights Commission to issue subpoenas only when a complaint has been filed by a member of the public who has been discriminated against and requires that there be reasonable cause to believe that the materials or testimony subpoenaed are material to the complaint.

This new draft also requires the Maine Human Rights Commission to attempt to resolve any complaint in an informal manner prior to completion of its investigation and prior to a determination by the commission as to whether or not reasonable grounds exist to believe that discrimination has occurred. Many complaints can be resolved informally by the parties once they are fully aware of their rights and obligations under the law. This new draft encourages early resolution.