

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)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 647

6
7 H.P. 522

House of Representatives, February 8, 1983

8 Submitted by the Maine Human Rights Commission pursuant to Joint
9 Rule 24.

10 Referred to the Committee on Judiciary. Sent up for concurrence and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Benoit of So. Portland.

11 Cosponsors: Senator Trafton of Androscoggin, Senator Violette of
Aroostook and Representative Drinkwater of Belfast.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Make Confidential Certain
18 Documents of the Maine Human Rights
19 Commission.
20

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

23 5 MRSA §4612, sub-§5 is enacted to read:

24 5. Public information. The following documents
25 shall be available for inspection by the public
26 subsequent to a commission finding that there are or
27 are not reasonable grounds to believe unlawful dis-
28 crimination has occurred, or subsequent to any other
29 final disposition of a charge of discrimination by
30 the commission:

31 A. Charge of discrimination; and

32 B. Final dispositions and findings of the commis-
33 sion.

1 All material received by the commission pursuant to
2 its authority under subsection 1, shall not consti-
3 tute public information prior to a final disposition
4 or finding by the commission.

5 STATEMENT OF FACT

6 The purpose of this bill is to make documents and
7 materials received by the Maine Human Rights Commis-
8 sion in the course of investigating a charge of
9 unlawful discrimination confidential until the end of
10 the administrative processing of the charge. At that
11 time copies of the charge and final dispositions and
12 findings, including investigator's reports, would
13 become public.

14 Under current Maine law, all information con-
15 tained in the commission's investigative files, other
16 than material directly related to settlement or con-
17 ciliation negotiations, falls under the statutory
18 definition of "public records," and must be made
19 available to the public. This results in allegations
20 of discrimination becoming public and has raised
21 questions concerning the possible invasion of privacy
22 of complainants, respondents and witnesses and the
23 problem of such publication making successful settle-
24 ment efforts much more difficult to achieve.

25 There also appears to be a conflict between state
26 and federal confidentiality provisions and the com-
27 mission's contract obligations to the Equal Employ-
28 ment Opportunity Commission.

29 0056112382