

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 504

H.P. 373

House of Representatives, March 1, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.

Cosponsored by Representative CONLEY of Portland, Representative FARNSWORTH of Hallowell and Senator HOBBS of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act Relating to Civil Penal Damages to be Awarded in Cases of
Unlawful Discrimination.



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

3 5 MRSA §4613, sub-§2, ¶B, as amended by PL 1987, c. 38, is
5 further amended to read:

7 B. If the court finds that unlawful discrimination
9 occurred, its judgment shall specify an appropriate remedy
or remedies therefor. Such The remedies may include, but are
not limited to:

11 (1) An order to cease and desist from the unlawful
13 practices specified in the order;

15 (2) An order to employ or reinstate a victim of
17 unlawful employment discrimination, with or without
back pay;

19 (3) An order to accept or reinstate such a person in a
union;

21 (4) An order to rent or sell a specified housing
23 accommodation, or one substantially identical thereto
if controlled by the respondent, to a victim of
unlawful housing discrimination;

25 (5) An order requiring the disclosure of the locations
27 and descriptions of all housing accommodations which
the violator has the right to sell, rent, lease or
29 manage; and further, forbidding the sale, rental or
lease of any such housing accommodations until the
31 violator has given security to assure his compliance
with any order entered against him the violator and
33 with all provisions of this Act. Such an order may
continue the court's jurisdiction until the violator
35 has demonstrated compliance, and may defer decision on
some or all relief until after a probationary period
37 and a further hearing on the violator's conduct during
such that period;

39 (6) An order to pay in cases of unlawful price
41 discrimination the victim thereof 3 times the amount of
any excessive price demanded and paid by reason of such
43 unlawful discrimination; and

45 (7) An order to pay to the complainant, including the
47 commission when the commission is the complainant,
civil penal damages not in excess of \$1,000 \$5,000 in
49 the case of the first order under this Act against the
respondent, not in excess of \$2,000 \$7,500 in the case
of a 2nd such order against the respondent, and not in
51 excess of \$3,000 \$10,000 in the case of a 3rd or
subsequent such order against the respondent; and

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STATEMENT OF FACT

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7 This bill raises the amount of civil penal damages the
Superior Court may order a defendant to pay to the victim of
unlawful discrimination. It also provides that the court may
9 award a civil penalty against a defendant when the Maine Human
Rights Commission, rather than a private individual, filed the
11 original charge of discrimination.