

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1403

S.P. 525

In Senate, April 1, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CONLEY of Cumberland

Cosponsored by Representative FARNSWORTH of Hallowell and Senator BUSTIN of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act Concerning Discrimination under the Maine Human Rights Act
and the Workers' Compensation Act.**

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

2

3 Sec. 1. 5 MRSA §4611, as amended by PL 1977, c. 259, §2, is
4 further amended to read:

5

6 **§4611. Complaint**

7 Any person who believes he ~~that that~~ person has been subject
8 to unlawful discrimination, or any employee of the commission,
9 may file a complaint under oath with the commission stating the
10 facts concerning the alleged discrimination, provided that such
11 complaints ~~shall be~~ are filed with the commission not more than 6
12 months ~~2 years~~ after the alleged act of unlawful discrimination.
13 In addition, any person may file a complaint pursuant to section
14 4632.

15

16 Sec. 2. 5 MRSA §4613, sub-§2, ¶B, as amended by PL 1989, c.
17 99, is further amended by amending sub-¶(7) to read:

18

19 (7) An order to pay to the complainant, including the
20 commission when the commission is the complainant,
21 civil penal damages not in excess of \$5,000 in the case
22 of the first order under this Act against the
23 respondent, not in excess of \$7,500 in the case of a
24 2nd such order against the respondent, and not in
25 excess of \$10,000 in the case of a 3rd or subsequent
26 such order against the respondent; and

27

28 Sec. 3. 5 MRSA §4613, sub-§2, ¶B-1 is enacted to read:

29

30 B-1. When the cause of action is based on an allegation of
31 intentional discrimination, a jury trial must be available.
32 In such cases of intentional discrimination, in addition to
33 other remedies available, the jury shall award damages for
34 the estimated value of future wage and fringe benefit loss
35 but is not empowered to award punitive damages or damages
36 for pain and suffering, humiliation or upset unless it finds
37 that the act of intentional discrimination was egregious,
38 callous or one of a series of acts of intentional
39 discrimination; and

40

41 Sec. 4. 39 MRSA §111, as amended by PL 1989, c. 251, §2, is
42 repealed and the following enacted in its place:

43

44 **§111. Discrimination**

45

46 An employer may not discriminate against an employee for
47 testifying or asserting any claim under this Act. Any employer
48 who so discriminates violates this section. Any violation of
49 this section by the employer against whom the employee has
50 testified or asserted a claim under this Act or by any other

2 person is governed by Title 5, section 4572, subsection 1,
3 paragraph A.

4
5
6 **STATEMENT OF FACT**

8 This bill places overall jurisdiction of discrimination
9 cases, including workers' compensation discrimination cases,
10 under the Maine Human Rights Commission. The bill amends the
11 section of the Maine Human Rights Act concerning the statute of
12 limitations for filing a complaint with the commission to make it
13 consistent with the limitation under the Workers' Compensation
14 Act and with the time limit for action in Superior Court under
15 the Maine Human Rights Act.

16 The bill also provides that in cases of intentional
17 discrimination, the employee is entitled to a jury trial.
18