

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 214, L.D. 685, Bill, "An Act to Amend the Maine Human Rights Act to Include Provisions Concerning Employment Discrimination"

Amend the bill in section 1 in that part designated "§4552." in the first paragraph by striking out all of the underlined words in the 10th to 12th lines (page 1, lines 17 to 19 in L.D.) and inserting in their place the following: 'or because of the previous assertion of a claim or right under former Title 39 or Title 39-A'

Further amend the bill by striking out all of sections 2 and 3 and inserting in their place the following:

Sec. 2. 5 MRSA §4612, sub-§6 is enacted to read:

6. Right to sue. If within 180 days of a complaint being filed by the commission the commission has not filed a civil action in the case or has not entered into a conciliation agreement in the case, the complainant may request a right-to-sue letter, and, if a letter is given, the commission shall end its investigation.

Sec. 3. 5 MRSA §4622, sub-§1, ¶¶A and B, as enacted by PL 1981, c. 255, §4, are amended to read:

A. Dismissed the case under section 4612, subsection 2; or

B. Failed, within 90 days after finding reasonable grounds to believe that unlawful discrimination occurred, to enter into a conciliation agreement to which the plaintiff was a party; or

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Sec. 4. 5 MRSA §4622, sub-§1, ¶C is enacted to read:

C. Issued a right-to-sue letter under section 4612, subsection 6 and the action was brought by the aggrieved person not more than 2 years after the act of unlawful discrimination of which the complaint was made as provided in section 4613, subsection 2, paragraph C.

FISCAL NOTE

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenues by a minor amount.

The Maine Human Rights Commission will incur some minor additional costs to issue a right-to-sue letter. These costs can be absorbed within the commission's existing budgeted resources.

STATEMENT OF FACT

This amendment clarifies the language added to the policy statement in the Maine Human Rights Act to parallel the language currently contained in the provisions prohibiting unlawful discrimination.

The amendment strikes the provisions extending the statute of limitations and authorizing a jury trial and certain types of damages when intentional discrimination is alleged.

The amendment adds a provision permitting a complainant to receive attorney's fees and civil penal damages if the complainant brings a civil action when the Maine Human Rights Commission has issued a right-to-sue letter indicating that it has not filed an action or entered into a conciliation agreement within 180 days of a complaint being filed with the commission.

The amendment also adds a fiscal note to the bill.

Reported by Senator Conley for the Committee on Judiciary.
Reproduced and Distributed Pursuant to Senate Rule 12.
(5/26/93) (Filing No. S-215)