

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1878

S.P. 692

In Senate, February 15, 1994

An Act to Improve Methods of Dispute Resolution of the Maine Human Rights Commission.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. 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 CLEVELAND of Androscoggin.
Cosponsored by Senator: CONLEY of Cumberland, Representatives: COTE of Auburn,
FARNSWORTH of Hallowell.

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

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Sec. 1. 5 MRSA §4612, sub-§3, as amended by PL 1985, c. 585, §2, is further amended to read:

3. **Informal methods; conciliation.** If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, but finds no emergency of the sort contemplated in subsection 4, paragraph B, it shall endeavor to eliminate such discrimination by informal means such as conference, conciliation, 3rd-party neutral mediation and persuasion. Nothing said or done as part of such endeavors may be made public without the written consent of the parties to the proceeding, nor used as evidence in any subsequent proceeding, civil or criminal, except in a civil action alleging a breach of agreement filed by the commission or a party. If the case is disposed of by such informal means in a manner satisfactory to a majority of the commission, it shall dismiss the proceeding.

Sec. 2. **Establish mediation procedures.** The Maine Human Rights Commission shall establish a 3rd-party neutral mediation program to be in place and operational by January 1, 1995 that must, at a minimum, include guidelines for:

1. Standards for contracting with mediators who have appropriate training and experience;
2. Authorizing a mediator to establish mediation fees and to accept payment from any source;
3. Criteria for evaluation of the training and experience of a mediator;
4. A process to determine which cases are appropriate for mediation;
5. Providing appropriate facilities and support services, such as notices and mailings;
6. Collecting and maintaining statistical data regarding the mediation program, which must list the number of cases mediated and those successfully mediated to the agreement of all parties;
7. Procedures to protect the rights of the charging party in the matter being mediated;
8. Requiring that both parties must agree to mediation early in the process and must reach mutual agreement of the decision;

