

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)



STATE LAW LIBRARY
AUGUSTA, MAINE

124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1108

H.P. 763

House of Representatives, March 20, 2009

An Act To Amend the Statute of Limitations under the Maine Human Rights Act

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DILL of Cape Elizabeth.
Cosponsored by Senator BLISS of Cumberland and
Representatives: BRYANT of Windham, HINCK of Portland.

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

2 **Sec. 1. 5 MRSA §4611**, as amended by PL 1995, c. 393, §28, is further amended
3 to read:

4 **§4611. Complaint.**

5 Any person who believes that the person has been subject to unlawful discrimination,
6 or any employee of the commission, may file a complaint under oath with the
7 commission stating the facts concerning the alleged discrimination, provided except that
8 such complaints must be filed with the commission not more than ~~6 months~~ 300 days
9 after the alleged act of unlawful discrimination. In addition, any person may file a
10 complaint pursuant to section 4632.

11 **Sec. 2. 5 MRSA §4612, sub-§1, ¶B**, as amended by PL 2007, c. 243, §6, is
12 further amended to read:

13 B. The commission or its delegated commissioner or investigator shall conduct
14 such preliminary investigation as it determines necessary to determine whether there
15 are reasonable grounds to believe that unlawful discrimination has occurred. In
16 conducting an investigation, the commission, or its designated representative, must
17 have access at all reasonable times to premises, records, documents, individuals and
18 other evidence or possible sources of evidence and may examine, record and copy
19 those materials and take and record the testimony or statements of such persons as are
20 reasonably necessary for the furtherance of the investigation. The commission may
21 issue subpoenas to compel access to or production of those materials or the
22 appearance of those persons, subject to section 4566, subsections 4-A and 4-B, and
23 may serve interrogatories on a respondent to the same extent as interrogatories served
24 in aid of a civil action in the Superior Court. The commission may administer oaths.
25 The complaint and evidence collected during the investigation of the complaint, other
26 than data identifying persons not parties to the complaint, is a matter of public record
27 at the conclusion of the investigation of the complaint prior to a determination by the
28 commission. An investigation is concluded upon issuance of a letter of dismissal or
29 upon listing of the complaint on a published commission meeting agenda, whichever
30 first occurs. Prior to the conclusion of an investigation, all information possessed by
31 the commission relating to the investigation is confidential and may not be disclosed,
32 except that the commission and its employees have discretion to disclose such
33 information as is reasonably necessary to further the investigation. Notwithstanding
34 any other provision of this section, the complaint and evidence collected during the
35 investigation of the complaint may be used as evidence in any subsequent
36 proceeding, civil or criminal. The commission must conclude an investigation under
37 this paragraph within 2 years of the alleged act of discrimination.

38 **Sec. 3. 5 MRSA §4613, sub-§2, ¶C**, as amended by PL 1975, c. 357, §2, is
39 further amended to read:

40 C. The action shall must be commenced not more than ~~2 years~~ 90 days after the act
41 ~~of unlawful discrimination complained of.~~ issuance of a right-to-sue letter under
42 section 4612, subsection 6; and

1

SUMMARY

2 This bill changes the statute of limitations under the Maine Human Rights Act from 6
3 months to 300 days after an alleged act of discrimination to file a complaint with the
4 commission, requires the Maine Human Rights Commission to conclude its investigation
5 of a complaint within 2 years of the alleged act of discrimination and changes the time
6 frame to file a lawsuit from 2 years after the alleged act of discrimination to 90 days after
7 the issuance of a right-to-sue letter.