

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1537

H.P. 1081

House of Representatives, December 21, 2009

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

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2009. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BLODGETT of Augusta.  
Cosponsored by Senator BLISS of Cumberland and  
Representatives: BUTTERFIELD of Bangor, DUCHESNE of Hudson, MacDONALD of  
Boothbay, MAZUREK of Rockland, O'BRIEN of Lincolnville, RUSSELL of Portland,  
Senators: CRAVEN of Androscoggin, JACKSON of Aroostook.

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

2 **Sec. 1. 5 MRSA §4612, sub-§1, ¶B, as amended by PL 2009, c. 235, §2, is**  
3 **further amended to read:**

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

30 **SUMMARY**

31 **This bill shortens from 2 years to one year the period within which the Maine Human**  
32 **Rights Commission must conclude an investigation of a complaint.**