

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 960

H.P. 607

House of Representatives, March 2, 2023

**An Act Regarding the Limits on Civil Remedies Available Under the
Maine Human Rights Act**

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative BRADSTREET of Vassalboro.
Cosponsored by Representatives: BLIER of Buxton, CAMPBELL of Orrington,
CARMICHAEL of Greenbush, LANDRY of Farmington, MORRIS of Turner,
POLEWARCZYK of Wiscasset, SOBOLESKI of Phillips.

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

2 **Sec. 1. 5 MRSA §4613, sub-§2, ¶B**, as amended by PL 2011, c. 613, §21 and
3 affected by §29, is further amended by amending subparagraph (8), division (e) to read:

4 (e) The sum of compensatory damages awarded under this subparagraph or
5 any other provision of law for future pecuniary losses, emotional pain,
6 suffering, inconvenience, mental anguish, loss of enjoyment of life, other
7 nonpecuniary losses and the amount of punitive damages awarded under this
8 section or any other provision of law may not exceed for each complaining
9 party:

10 (i) In the case of a respondent who has more than 14 and fewer than 101
11 employees in each of 20 or more calendar weeks in the current or
12 preceding calendar year, \$50,000;

13 (ii) In the case of a respondent who has more than 100 and fewer than 201
14 employees in each of 20 or more calendar weeks in the current or
15 preceding calendar year, \$100,000;

16 (iii) In the case of a respondent who has more than 200 and fewer than
17 501 employees in each of 20 or more calendar weeks in the current or
18 preceding calendar year, \$300,000; and

19 (iv) In the case of a respondent who has more than 500 employees in each
20 of 20 or more calendar weeks in the current or preceding calendar year,
21 \$500,000.

22 **Sec. 2. 5 MRSA §4613, sub-§2, ¶B**, as amended by PL 2011, c. 613, §21 and
23 affected by §29, is further amended by amending subparagraph (8), division (i) to read:

24 (i) Punitive damages may not be included in a judgment or award against a
25 governmental entity, as defined in Title 14, section 8102, subsection 2, or
26 against an employee of a governmental entity based on a claim that arises out
27 of an act or omission occurring within the course or scope of that employee's
28 employment; ~~and~~.

29 **Sec. 3. 5 MRSA §4613, sub-§2, ¶B**, as amended by PL 2011, c. 613, §21 and
30 affected by §29, is further amended by enacting a new subparagraph (8), division (j) to
31 read:

32 (j) A respondent may not waive the maximum sum of compensatory and
33 punitive damages set forth in division (e) regardless of the form or substance
34 of a respondent's responsive pleadings to any action filed under this Act.

35 **Sec. 4. 5 MRSA §4613, sub-§2, ¶B**, as amended by PL 2011, c. 613, §21 and
36 affected by §29, is further amended by enacting a new subparagraph (8), division (k) to
37 read:

38 (k) This subparagraph does not permit double recovery in actions filed
39 concurrently under this Act and 42 United States Code, Section 12101, et seq.
40 or 42 United States Code, Sections 2000e to 2000e-17. The maximum sum of
41 compensatory and punitive damages described by division (e) is the maximum
42 liability for an employer; and

1

SUMMARY

2 This bill provides that in cases of intentional employment discrimination with
3 respondents who have more than 14 employees, the sum of compensatory damages
4 awarded under certain provisions of the Maine Human Rights Act or any other provision
5 of law for future pecuniary losses, emotional pain, suffering, inconvenience, mental
6 anguish, loss of enjoyment of life, other nonpecuniary losses and the amount of punitive
7 damages awarded under certain provisions of the Maine Human Rights Act and any other
8 provision of law may not exceed specified limits. The bill prohibits a respondent from
9 waiving those limits and specifies that those limits are the maximum liability for an
10 employer. The bill provides that in cases of intentional employment discrimination with
11 respondents who have more than 14 employees, double recovery is not permitted in actions
12 filed concurrently under the Maine Human Rights Act and certain provisions of federal
13 law.