

# MAINE STATE LEGISLATURE

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Date 5-9-2023 Minority

(Filing No H- 116)

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to HP 614, L D 967, "An Act to Strengthen Protections of Persons After a Maine Human Rights Commission Investigation Finds No Reasonable Grounds Exist to Believe Unlawful Discrimination Occurred"

Amend the bill in section 2 in subsection 4 in paragraph C by inserting after subparagraph (3) the following

'The commission's response to a subpoena, response to a request for a public record under the Freedom of Access Act or provision of assistance to a federal agency in that agency's response to a request for a public record under the federal Freedom of Information Act, 5 United States Code, Section 552, does not constitute assisting a complainant or expending commission resources to assist a complainant within the meaning of subparagraphs (2) and (3).'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

**SUMMARY**

The bill provides that the Maine Human Rights Commission must pay defendant's attorney's fees if the commission finds, after investigating a discrimination complaint, that no reasonable grounds exist to believe that discrimination occurred and the commission either files a civil action on behalf of the complainant or provides assistance to a complainant who files the complainant's own civil action

This amendment, which is the minority report of the committee, clarifies that the commission's response to a subpoena, response to a request for a public record under the Freedom of Access Act or provision of assistance to a federal agency in responding to a request under the federal Freedom of Information Act does not constitute assisting a complainant for purposes of that provision in the bill.

**FISCAL NOTE REQUIRED**

(See attached)

**COMMITTEE AMENDMENT**



# 131st MAINE LEGISLATURE

LD 967

LR 1698(02)

## An Act to Strengthen Protections of Persons After a Maine Human Rights Commission Investigation Finds No Reasonable Grounds Exist to Believe Unlawful Discrimination Occurred

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-116)

Committee: Judiciary

Fiscal Note Required: Yes

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### Fiscal Note

Potential current biennium cost increase - General Fund

Potential current biennium revenue decrease - Federal Expenditures Fund

#### Fiscal Detail and Notes

This bill prohibits the Maine Human Rights Commission from taking certain actions related to a complaint dismissed by the Commission based on a finding that no reasonable grounds exist to believe that unlawful discrimination occurred. While it is anticipated that compliance will mean no additional costs will be incurred for new cases in the future, it is estimated that there may be 17 housing discrimination lawsuits pending on the effective date of this bill that violate the provisions of this bill. Backing away from these pending cases may mean the Commission will be required to pay certain court costs, reasonable attorney's fees and costs to defendants. No estimate of these potential costs can be made at this time.

The Commission anticipates that the prohibitions in the bill may reduce federal funding it receives from the U.S. Department of Housing and Urban Development.