# MAINE STATE LEGISLATURE

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1	LD 1001					
2	Date 5/22/23 Majority (Filing No H-195)					
3	JUDICIARY					
4	Reproduced and distributed under the direction of the Clerk of the House					
5	STATE OF MAINE					
6	HOUSE OF REPRESENTATIVES					
7	131ST LEGISLATURE					
8	FIRST SPECIAL SESSION					
9 10	COMMITTEE AMENDMENT "A" to HP 637, LD 1001, "An Act to Amend the Maine Human Rights Act Regarding Right-to-sue Letters"					
11 12	Amend the bill by striking out everything after the enacting clause and inserting the following					
13 14	'Sec. 1. 5 MRSA §4612, sub-§6, as amended by PL 1995, c 462, Pt A, §7, is repealed and the following enacted in its place					
15 16	6. Issuance of right-to-sue letter. The commission may issue a right-to-sue letter only in accordance with this subsection					
17 18 19 20	A If, later than the 180th day after the date a complaint is filed with the commission, the commission has not filed a civil action in the case or has not entered into a conciliation agreement in the case, the complainant may submit a written request for a right-to-sue letter and the commission shall issue the requested right-to-sue letter.					
21 22 23	B If a complainant submits a written request for a right-to-sue letter before the 180th day after the date a complaint is filed with the commission, the commission shall issue a right-to-sue letter if					
24 25 26	(1) The executive director of the commission determines that the complainant has demonstrated good cause for requesting the right-to-sue letter before the expiration of the 180-day period after the filing of the complaint, and					
27 28 29	(2) The executive director of the commission certifies that it is probable that the commission will not be able to conclude its investigation before the 180-day period after the filing of the complaint					
30 31 32 33 34	If the commission issues a right-to-sue letter in accordance with this subsection, it shall end its investigation of the complaint unless the executive director of the commission and legal counsel to the commission determine that proceeding with the investigation would achieve the purposes of this chapter, in which case the commission shall continue to investigate the complaint as if it had been filed by an employee of the commission under section 4611					
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COMMITTEE AMENDMENT "	H,	to H P	637, L D	1001

Sec. 2. 5 MRSA §4622, sub-§1, as amended by PL 2021, c 366, §21, is further amended by enacting after paragraph D a new blocked paragraph to read.

If the commission issued a right-to-sue letter, the plaintiff may not be awarded attorney's fees, civil penal damages or compensatory and punitive damages unless the plaintiff establishes that the plaintiff received the right-to-sue letter before filing the civil action '

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

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#### **SUMMARY**

This amendment, which is the majority report of the committee, strikes the provision of the bill that allows the Maine Human Rights Commission to issue a right-to-sue letter to a complainant on the 181st day after a complaint is filed with the commission without receiving a request for a right-to-sue letter from the complainant

Instead, the amendment requires the commission to issue a right-to-sue letter to a complainant if the complainant submits a written request for a right-to-sue letter more than 180 days after filing a complaint with the commission. The amendment also authorizes the commission to issue a right-to-sue letter to a complainant less than 180 days after the filing of a complaint if the complainant submits a request in writing and the executive director of the commission determines that the complainant has demonstrated good cause for submitting an early request for a right-to-sue letter and that it is probable that the commission will not be able to complete its investigation within 180 days of the filing of the complaint

The amendment also requires the commission to end its investigation whenever the commission issues a right-to-sue letter to a complainant unless the executive director of the commission and legal counsel to the commission determine that proceeding with the investigation would achieve the purposes of the Maine Human Rights Act—If this determination is made, the commission must continue to investigate the complaint as if it had originally been filed by an employee of the commission

FISCAL NOTE REQUIRED

(See attached)

Page 2 - 131LR1243(02)



# 131st MAINE LEGISLATURE

LD 1001

LR 1243(02)

An Act to Amend the Maine Human Rights Act Regarding Right-to-sue Letters

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-/95)

Committee: Judiciary

Fiscal Note Required: Yes

# **Fiscal Note**

Minor cost increase - General Fund
Minor revenue increase - General Fund

## 'orrectional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional filing fees will increase General Fund revenue by minor amounts

## Fiscal Detail and Notes

Additional costs to the Maine Human Rights Commission associated with the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources