

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2210

H.P. 1417

House of Representatives, February 15, 2024

An Act to Establish a Civil Rights Unit and a Civil Rights Review Panel Within the Office of the Attorney General and Require Ongoing Enhanced Civil Rights Training for Civil Rights Officers

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Speaker TALBOT ROSS of Portland.
Cosponsored by Senator ROTUNDO of Androscoggin and
Representatives: LANDRY of Farmington, LEE of Auburn, MOONEN of Portland,
O'CONNELL of Brewer, SACHS of Freeport, SHEEHAN of Biddeford, Senators: BAILEY of
York, CARNEY of Cumberland.

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

2 **Sec. 1. 5 MRSA §200-O** is enacted to read:

3 **§200-O. Civil rights unit**

4 **1. Establishment.** The Office of the Attorney General, referred to in this section as
5 "the office," shall create a civil rights unit, referred to in this section as "the unit," within
6 the office for the purpose of promoting and advancing protections provided under the
7 Maine Civil Rights Act.

8 **2. Duties.** The unit shall receive and investigate complaints related to possible
9 violations of the Maine Civil Rights Act, initiate civil actions under the Maine Civil Rights
10 Act, coordinate with individuals and entities that are dedicated to advancing civil rights
11 protections, engage in public education and outreach on civil rights issues related to hate
12 and bias to advance civil rights and provide recommendations on how to ensure protections
13 of civil rights.

14 **3. Cooperation; information.** A covered entity shall cooperate fully with the unit,
15 rendering any assistance requested by the unit. Notwithstanding any provision of state law
16 to the contrary, a covered entity shall:

17 A. Report to the unit in writing, within 5 business days of the date the covered entity
18 becomes aware of the incident, any alleged act or alleged threat of an act known to the
19 covered entity that occurred internally or that occurred between or happened to its
20 clients or constituents or other individuals it serves and that if proven would constitute
21 a violation of the Maine Civil Rights Act; and

22 B. Make available to the unit upon request for the purpose of the unit's official duties
23 all information in the covered entity's files related to any alleged act or alleged threat
24 of an act that if proven would constitute a violation of the Maine Civil Rights Act.

25 For the purposes of this subsection, "covered entity" means any of the following: a law
26 enforcement agency as defined in section 4684-C, subsection 1, paragraph B, a municipal
27 government or a state department or agency or other division of State Government.

28 **4. Unit staff employment requirements.** The Attorney General may require
29 prerequisite training, education or work experience for employment in the unit.

30 **5. Public complaints.** The office shall make available numerous unique public
31 reporting methods to allow individuals to discreetly submit civil rights violation complaints
32 to the unit.

33 **6. Report.** The unit shall, by January 15th of each year, submit a report to the joint
34 standing committee of the Legislature having jurisdiction over civil rights matters. Before
35 the unit may submit the report to the Legislature, the unit shall submit the report to the Civil
36 Rights Review Panel established by section 200-P. The report must be submitted to the
37 panel no later than January 1st annually. The report must include:

38 A. The total number of complaints received and the sources of those complaints;

39 B. The number of complaints submitted directly to the unit through civil rights officers
40 as defined in section 4684-C, subsection 1, paragraph A;

41 C. The number of complaints received concerning, respectively:

- 1 (1) Race;
- 2 (2) Color;
- 3 (3) Religion;
- 4 (4) Sex;
- 5 (5) Ancestry;
- 6 (6) National origin;
- 7 (7) Physical or mental disability;
- 8 (8) Sexual orientation; and
- 9 (9) Gender identity;

10 D. The number of complaints that resulted in the filing of a civil action under the
11 Maine Civil Rights Act; and

12 E. Recommendations concerning ways to improve civil rights protections.

13 **7. Rulemaking.** The office shall adopt rules to implement this section. Rules must
14 include guidance and procedures for complying with subsection 3. Rules adopted pursuant
15 to this subsection are routine technical rules pursuant to chapter 375, subchapter 2-A.

16 **Sec. 2. 5 MRSA §200-P** is enacted to read:

17 **§200-P. Civil Rights Review Panel**

18 There is created, within the Office of the Attorney General, the Civil Rights Review
19 Panel, referred to in this section as "the panel."

20 **1. Composition.** The panel is composed of 13 members as follows:

21 A. The Commissioner of Public Safety, ex officio;

22 B. The director of investigations for the Office of the Attorney General, ex officio;

23 C. The director of the Maine Criminal Justice Academy, ex officio;

24 D. An attorney who represents plaintiffs in federal or state civil actions for
25 discrimination on the basis of race, color, religion, sex, ancestry, national origin,
26 physical or mental disability, sexual orientation or gender identity, to be appointed by
27 the Attorney General;

28 E. An attorney who represents defendants in federal or state civil actions for
29 discrimination on the basis of race, color, religion, sex, ancestry, national origin,
30 physical or mental disability, sexual orientation or gender identity, to be appointed by
31 the President of the Senate;

32 F. A criminal prosecutor, to be appointed by the Attorney General;

33 G. A municipal police chief, to be appointed by the Attorney General based on the
34 recommendation of an association of police chiefs in the State;

35 H. A county sheriff, to be appointed by the Attorney General based on the
36 recommendation of an association of county sheriffs in the State;

37 I. A representative of a statewide organization whose primary mission is related to
38 civil liberties, to be appointed by the President of the Senate;

1 J. A representative of a statewide organization whose primary mission is related to
2 racial justice, to be appointed by the Speaker of the House; and

3 K. Three citizens, to be appointed by the Speaker of the House.

4 **2. Designees; terms of office.** An ex officio member of the panel may appoint a
5 designee to represent the ex officio member on the panel for one or more meetings. A
6 designee, once appointed, qualifies as a full voting member of the panel and may hold
7 office and enjoy all the other rights and privileges of full membership on the panel. The
8 appointed members of the panel serve for a term of 3 years. Any vacancy on the panel must
9 be filled in the same manner as the original appointment for the unexpired term.

10 **3. Meetings; officers.** The Attorney General shall call the first meeting before January
11 1, 2025. The panel shall organize initially and annually thereafter by electing a chair and a
12 vice-chair from among its members. The vice-chair shall also serve as secretary. The panel
13 shall meet at such time or times as may be reasonably necessary to carry out its duties, but
14 it shall meet at least once in each calendar quarter at such place and time as the panel
15 determines and it shall meet at the call of the chair.

16 **4. Powers and duties.** The panel shall examine the civil rights violation complaints
17 received by the civil rights unit established by section 200-O. As to each complaint the
18 panel examines, the panel shall, to the best of its ability, determine whether there were any
19 violations of the Maine Civil Rights Act. If applicable to the particular circumstances of
20 the complaint, the panel shall determine whether the internal policies and best practices of
21 the employer or organization involved in the incident were followed by the parties involved
22 and whether those policies and best practices were sufficient for the particular
23 circumstances. The purpose of these examinations is to gather data on the incidence of civil
24 rights violations in the State and to inform the panel in its duty to recommend policy
25 changes. The panel may not make any determinations or recommendations concerning the
26 legal outcome of any complaints it reviews, and the panel may not otherwise sanction the
27 parties involved in any complaint examined by the panel.

28 The panel shall recommend methods of improving compliance with the Maine Civil Rights
29 Act including changes to statutes, rules, training, policies and procedures designed to
30 ensure incorporation of best practices in workplaces and other institutions.

31 The panel shall receive and review the report written by the civil rights unit pursuant to
32 section 200-O, subsection 6 and provide any comments or criticisms of the report to the
33 joint standing committee of the Legislature having jurisdiction over civil rights matters as
34 described in subsection 5.

35 **5. Report; review of civil rights unit report.** The panel shall, on January 15th of each
36 year, submit a report to the joint standing committee of the Legislature having jurisdiction
37 over civil rights matters. The report must include:

38 A. A part summarizing the panel's meetings within the prior calendar year;

39 B. A part summarizing the civil rights violation complaints examined by the panel;

40 C. A part containing the panel's recommendations to improve civil rights policy in the
41 State; and

42 D. A part confirming that the panel has received and reviewed the report submitted by
43 the civil rights unit pursuant to section 200-O, subsection 6. The part must also include

1 any comments or criticisms the panel wishes to make concerning the contents of the
2 report.

3 **6. Access to information and records.** With respect to any complaint subject to
4 review by the panel, notwithstanding any provision of law to the contrary unless prohibited
5 by federal law, upon oral or written request of the panel, any person who possesses
6 information or records that are necessary and relevant to the panel review of the complaint
7 shall as soon as practicable provide the panel with the information and records.
8 Notwithstanding any provision of law to the contrary unless prohibited by federal law,
9 persons disclosing or providing information or records upon request of the panel are not
10 criminally or civilly liable for disclosing or providing information or records in compliance
11 with this subsection. The panel in its discretion may consult with content experts or other
12 professionals and discuss necessary information or records within the scope of such
13 consultations.

14 **7. Proceedings not confidential.** The proceedings of the panel are not confidential.

15 **Sec. 3. 5 MRSA §4684-C, sub-§3** is enacted to read:

16 **3. Cooperation with civil rights unit.** A civil rights officer shall cooperate fully and
17 completely with the civil rights unit established pursuant to section 200-O. A civil rights
18 officer shall comply with the requirements for reporting incidents and sharing file
19 information established in section 200-O, subsection 3.

20 **Sec. 4. 5 MRSA §4684-C, sub-§4** is enacted to read:

21 **4. Ongoing enhanced civil rights training.** A civil rights officer shall undergo
22 ongoing enhanced civil rights training administered by the Maine Criminal Justice
23 Academy as determined by the Office of the Attorney General.

24 **Sec. 5. 5 MRSA §12004-I, sub-§2-J** is enacted to read:

25 **2-J.**

26 Civil Rights Civil Rights Review Panel Not Authorized 5 MRSA §200-P

27 **Sec. 6. 25 MRSA §2804-M** is enacted to read:

28 **§2804-M. Ongoing enhanced civil rights training for civil rights officers**

29 A law enforcement officer qualified as a civil rights officer within the meaning of Title
30 5, section 4684-C, subsection 1, paragraph A shall undergo ongoing enhanced civil rights
31 training administered by the Maine Criminal Justice Academy, as determined by the Office
32 of the Attorney General, to remain qualified as a civil rights officer.

33 **SUMMARY**

34 This bill establishes a civil rights unit within the Office of the Attorney General. The
35 unit will receive and investigate complaints related to possible violations of the Maine Civil
36 Rights Act, initiate civil actions under the Maine Civil Rights Act, coordinate with other
37 individuals and entities dedicated to advancing civil rights, engage in public education and
38 outreach on civil rights issues related to hate and bias to advance civil rights and provide
39 recommendations on how to ensure protections of civil rights. The bill requires that all law
40 enforcement agencies, municipal governments and state departments and agencies and any
41 other divisions of State Government fully cooperate with the unit, make written reports of

1 civil rights violations and provide file information as requested for the purpose of the unit's
2 official duties. The bill grants the Office of the Attorney General the authority to adopt
3 rules governing the unit. Finally, the bill requires that all civil rights officers as defined in
4 the Maine Civil Rights Act must fully cooperate with the unit as directed by this bill and
5 undergo ongoing enhanced civil rights training provided by the Maine Criminal Justice
6 Academy as determined by the Office of the Attorney General.

7 The bill also creates within the Office of the Attorney General the Civil Rights Review
8 Panel, which is separate from the civil rights unit. The panel must be composed of 13
9 members from various disciplines to be appointed by the Attorney General, the President
10 of the Senate or the Speaker of the House as described in the bill. The bill requires the panel
11 to examine complaints received by the civil rights unit and use the data collected to inform
12 policy recommendations to the Legislature. The civil rights unit must provide the panel
13 with a copy of the unit's annual report before the unit submits the report to the Legislature.
14 Under the bill, the panel must issue its own separate report summarizing the results of the
15 panel's investigations, its policy recommendations and any comments or criticisms the
16 panel may have concerning the unit's report. The bill requires that both the panel and the
17 unit submit their reports to the Legislature no later than January 15th annually.