

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2019**

a majority of the commission, it shall dismiss the proceeding.

**4. Civil action by commission.** The commission may file a civil action in accordance with this subsection.

A. If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, and further believes that irreparable injury or great inconvenience will be caused the victim of such discrimination or to members of a ~~racial, color, sex, sexual orientation, physical or mental disability, religious or nationality group or age~~ protected class group if relief is not immediately granted, or if conciliation efforts under subsection 3 have not succeeded, the commission may file in the Superior Court a civil action seeking such relief as is appropriate, including temporary restraining orders. In a complaint investigated pursuant to a memorandum of understanding between the commission and the United States Department of Housing and Urban Development that results in a reasonable grounds determination, the commission shall file a civil action for the use of complainant if conciliation efforts under subsection 3 are unsuccessful.

B. Grounds for the filing of such an action before attempting conciliation include, but are not limited to:

- (1) In unlawful housing discrimination, that the housing accommodation sought is likely to be sold or rented to another during the pendency of proceedings, or that an unlawful eviction is about to occur;
- (2) In unlawful employment discrimination, that the victim of the discrimination has lost or is threatened with the loss of job and income as a result of such discrimination;
- (3) In unlawful public accommodations discrimination, that such discrimination is causing inconvenience to many persons;
- (4) In any unlawful discrimination, that the victim of the discrimination is suffering or is in danger of suffering severe financial loss in relation to circumstances, severe hardship or personal danger as a result of such discrimination.

**5. Confidentiality of 3rd-party records.** The Legislature finds that persons who are not parties to a complaint under this chapter as a complainant or a respondent have a right to privacy. Any records of the commission that are open to the public under Title 1, chapter 13, must be kept in such a manner as to ensure that data identifying these 3rd parties is not reflected in the record. ~~Only data reflecting the identity of these persons may be kept confidential.~~

**6. Right to sue.** If, within 180 days of a complaint being 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 request a right-to-sue letter, and, if a letter is given, the commission shall end its investigation.

**Sec. 7. 5 MRSA §4614,** as enacted by PL 1981, c. 255, §3, is amended to read:

**§4614. Attorney's fees and costs**

In any civil action under this Act, the court, in its discretion, may allow the prevailing party, ~~other than the commission,~~ reasonable ~~attorneys'~~ attorney's fees and costs, ~~and except that the commission shall be liable for attorneys' fees and costs the same as a private person may not be awarded attorney's fees and costs and is not liable to pay any party's attorney's fees and costs.~~

**Sec. 8. 5 MRSA §4622, sub-§1, ¶A,** as amended by PL 1993, c. 327, §3, is further amended to read:

A. Dismissed the case under section 4612, subsection 2 or 2-A;

See title page for effective date.

**CHAPTER 466**

**H.P. 588 - L.D. 800**

**An Act To Amend Mandatory Law Enforcement Agency Policies Regarding Recording Suspects To Include Cases of Murder and Class A, Class B and Class C Crimes**

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

**Sec. 1. 25 MRSA §2803-B, sub-§1, ¶K,** as amended by PL 2013, c. 147, §18, is further amended to read:

K. Digital, electronic, audio, video or other recording of law enforcement interviews of suspects in ~~serious crimes~~ murder, Class A, Class B and Class C crimes and the preservation of investigative notes and records in such cases;

See title page for effective date.