

# MAINE STATE LEGISLATURE

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# Maine Human Rights Commission

## 2019 Annual Report

July 1, 2018 - June 30, 2019

Maine Human Rights Commission  
51 State House Station, Augusta, Maine 04333

[www.maine.gov/mhrc](http://www.maine.gov/mhrc)

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# Maine Human Rights Commission

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November 18, 2019

The Honorable Janet Mills, Governor  
The Honorable Troy Jackson, President of the Maine Senate  
The Honorable Sara Gideon, Speaker of the Maine House of Representatives  
State House, Augusta, Maine 04333

Dear Governor Mills, President Jackson and Speaker Gideon:

On behalf of the Commissioners and staff of the Maine Human Rights Commission ("Commission"), we are pleased to present you with the 2019 Annual Report of the Commission. As you will see from the following, the Commission continues to uphold its statutory charge to enforce Maine's anti-discrimination laws. A few highlights are as follows:

- The Commission received 715 new complaints in Fiscal Year ("FY") 2019, less than a 1% increase from last year's 709 filings.
- Of new complaints filed, 66.8% were based on employment, 16.8% were based on public accommodations, 13.9% were based on housing, 2.2% were based on education, and .3% were based on extension of credit.
- With respect to type of allegation, the top three most frequently alleged protected classes were: disability discrimination, at 47.3% (338 of 715 cases); Maine Human Rights Act ("MHRA") retaliation, at 38.7% of cases (277 of 715 cases); and whistleblower retaliation, alleged in 34.4% (246 of 715 cases). The fourth most frequently alleged protected class was sex, at 24.3% (174 of 715 cases); sexual harassment was claimed in 35.6% of all sex discrimination filings (62 out of 174 cases).
- A significant portion of cases processed last year (63%, or 476 of 756 cases) resolved prior to public hearing.
- Investigators wrote reports after completed investigations in 37% (280 of 756) of cases processed last year.
- Commissioners found "reasonable grounds" to believe unlawful discrimination occurred in 16.8% of cases with investigator's reports (47 of 280 cases), an increase from last year's 13.2% rate. Commissioners heard argument in 93 of the cases with investigator's reports; the investigator's recommendations in the remaining 187 cases with investigator's reports were uncontested by the parties.
- The reasonable-grounds rate for all cases processed in FY 2019 was 6.2% (47 of 756 cases) determined.
- At the end of FY 2019, 677 cases remained pending, a 9.2% decrease in pending cases from the prior year.
- Commission staff delivered or participated in or delivered more than 53 training forums during FY 2019.

The Commission continues to promote diversity and tolerance, and to work to eliminate unlawful discrimination for all citizens of and visitors to Maine. We hope this report is of assistance, as our agency seeks to work closely with the Executive and Legislative branches as we jointly assure the citizens of Maine the protections afforded by the MHRA.

Sincerely,

A handwritten signature in black ink that reads "Arnold S. Clark".

Arnold Clark, Chairman of Maine Human Rights Commission

## THE COMMISSION

Established in 1971, the Commission is a quasi-independent state agency charged with responsibility of enforcing Maine’s anti-discrimination laws, which are encompassed in the Maine Human Rights Act (“the MHRA”) at Title 5 of the Maine Revised Statutes (“M.R.S.”), Sections 4551-4636. Some of the Commission’s powers and duties are:

- to investigate all conditions and practices within the state which allegedly detract from the enjoyment, by each inhabitant of the state, of full human rights and personal dignity;
- to investigate all forms of invidious discrimination, whether carried out legally or illegally, and whether by public agencies or private persons; and
- to recommend measures calculated to promote full enjoyment of human rights and personal dignity.

The MHRA provides that the Commission “or its delegated commissioner or investigator shall conduct such preliminary investigation as it determines necessary to determine whether there are reasonable grounds to believe that unlawful discrimination has occurred” in employment, housing, education, access to public accommodations, extension of credit, genetic non-discrimination, and offensive names. 5 M.R.S. § 4612(1)(B). The Commission also investigates complaints of retaliation under the Maine Whistleblowers’ Protection Act, 26 M.R.S. §§ 831 - 834-A.

The Commission has jurisdiction over allegations of discrimination in the following areas:

JURISDICTIONAL BASIS	EMPLOYMENT	HOUSING	ACCESS TO PUBLIC ACCOMMODATION	CREDIT EXTENSION	EDUCATION	YEAR ENACTED
Age	X	N/A	N/A	X	N/A	1972
Ancestry	X	X	X	X	N/A	1972
Color	X	X	X	X	N/A	1972
National Origin	X	X	X	X	X	1972
Race	X	X	X	X	X	1972
Religion	X	X	X	X	N/A	1972
Marital Status	N/A	N/A	N/A	X	N/A	1973
Sex	X	X	X	X	X	1973
Physical disability	X	X	X	N/A	X	1974
Mental disability	X	X	X	N/A	X	1975
Receipt of Public Assistance	N/A	X	N/A	N/A	N/A	1975
Pregnancy	X	N/A	N/A			1979
Familial Status	N/A	X	N/A	N/A	N/A	1981
Workers’ Comp Retaliation	X	N/A	N/A	N/A	N/A	1987
Whistleblower Retaliation	X	N/A	N/A	N/A	N/A	1988
Children (lodging only)	N/A	N/A	X	N/A	N/A	1989
MHRA Retaliation/Interference	X	X	X	X	X	1993
Genetic Information	X	N/A	N/A	N/A	N/A	1998
Sexual Orientation	X	X	X	X	X	2005

As required by the MHRA, the Commission provides an opportunity for parties to a complaint to try to resolve the dispute by agreement prior to a determination of whether there are reasonable grounds to believe that unlawful discrimination has occurred. 5 M.R.S. § 4612(1)(A). The MHRA authorizes the Commission to pursue remedies for unlawful discrimination in court when necessary to enforce the MHRA. The Commission also has “the further duty to recommend measures calculated to promote the full enjoyment of human rights and personal dignity by all the inhabitants of this State”, 5 M.R.S. § 4566, and occasionally is called upon to present information to the Maine Legislature about proposed statutes and rules under consideration that might affect human rights in the State.

Commission policy is formulated by five volunteer Commissioners appointed by a Governor for staggered five-year terms, and the Commissioners appoint a Commission Counsel and an Executive Director. The MHRA ensures that the Commission is not political in nature, with requirement that no more than three Commissioners may be from any political party. Commissioners make final determinations on all discrimination complaints investigated by Commission

staff that are not otherwise resolved administratively or settled. A Governor designates the Chair of the Commission from among its members.

## **PROCESS**

The Commission receives either an intake (which it drafts into a complaint to assist complainant, if jurisdiction exists under the MHRA) or a complaint. Complaints must be received within 300 days of the alleged discrimination for a complaint to be timely. The Commission notifies the respondent of the complaint and receives its answer to the complaint, which the Commission then shares with the complainant in order to get his/her reply supporting the complaint. At that point, a complaint may be administratively dismissed for certain reasons, withdrawn by the complainant, or resolved by the parties, or the complainant may elect to proceed directly to court. If none of these occur, the case is assigned to an investigator for a preliminary investigation and the investigator prepares a written report outlining the claims made, applicable laws, and recommended findings on each claim as to whether there are reasonable grounds to believe discrimination violating the MHRA occurred. The Commission staff provides reports with recommendations to Commissioners for decision at public meetings. After a reasonable-grounds finding, the Commission attempts to resolve the dispute by agreement (“conciliation”); if conciliation is unsuccessful the complainant and Commission both may file lawsuits in court.

## **STAFFING**

The Executive Director has authority to hire and supervise Commission staff, which is as follows:

**Investigators:** In FY 2019, our Chief Investigator and five Investigators were responsible for processing intakes and investigating cases, supervised by the Commission Counsel and Executive Director. They shared the burden of reviewing 1,170 intakes to determine if they stated legally valid claims and preparing/sending a “screen-out” letter or a draft complaint as appropriate. The investigators’ core function is to conduct fact-finding as to whether allegations of discrimination are at least as likely as not to be substantiated, and to write investigator’s reports that analyze facts and apply legal principles to recommend specific findings to the Commission. Four of the investigator positions have undergone unremitting turnover in recent years, and the continuing staff shortages and turnover remains challenging.

**Legal:** Commission Counsel is responsible for agency litigation in the public interest and providing legal advice to the Commission and its staff. Counsel reviews all investigator reports for legal sufficiency, provide legal frameworks to investigators and legal opinions to the Executive Director or Commission, drafts proposed regulations, and advises the Executive Director on legislative and contract matters. Our Commission Counsel has the assistance of one Paralegal, who also: prepares initial document requests for new complaints; assists the Executive Director in negotiating, implementing and monitoring agreements to settle post-decision resolutions; monitors implementation of some pre-decision resolutions; and assists the Executive Director in arranging outreach efforts.

**Administration:** The Executive Director is ultimately responsible for all agency activity and oversees its staff, including the agency’s three supporting legal associates (who handle all case processing and Commission meeting matters) and an Operations Director (who manages all personnel, budget/fiscal, information technology, annual reporting, and office matters). The Executive Director conducts most agency outreach activity around the State and Legislative information-sharing.

## **BUDGET**

The Commission’s FY 2019 revised budget appropriation was \$1,414,802. Approximately \$1,136,276, slightly over (80%) of the agency’s total budget was allocated to fixed personal service costs such as salaries and benefits. This is due to the highly personnel-intensive nature of the Commission’s work in investigating, resolving, and litigating complaints. \$278,526, just under 20% of the Commission’s budget was allocated to “all other” operating expenditures to support program activities. Of the total Commission budget, approximately \$550,432, just under (39%) were anticipated revenues from federal worksharing agreements with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing & Urban Development.

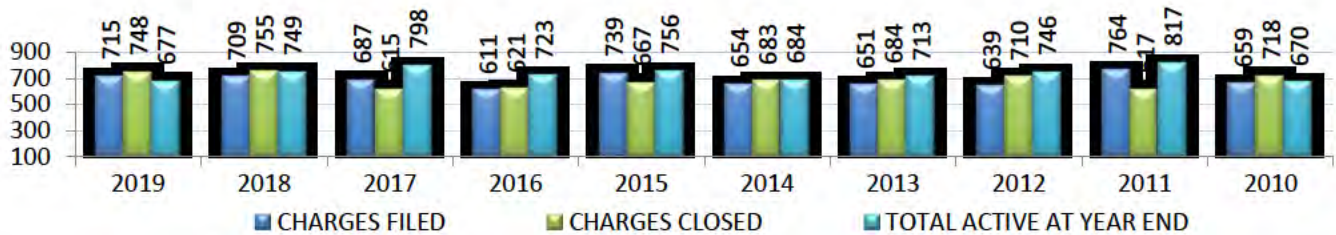


## CASE ACTIVITY

As in past years, the Commission continued to devote the majority of its resources to the processing of complaints of discrimination filed with it. During FY 2019, 715 new complaints were filed, which represents an increase from the previous year. A total of 3,999 claims were named in these complaints, representing complex investigations in many cases; this issue is discussed further on the next page of this Report. The Commission closed 748<sup>1</sup> cases in the same time period. The pending inventory of cases has decreased by 9.2% since FY 2018.

### HISTORICAL CASE ACTIVITY DATA

FISCAL YEAR	2019	% +/-	2018	2017	2016	2015	2014	2013	2012	2011	2010
ACTIVE CASES FY START	710 <sup>ii</sup>	- 10.4%	795	726	756	684	713	746	817	670	729
+ CASES FILED	715	+ 0.8%	709	687	611	739	654	651	639	764	659
- CASES CLOSED	748	- 1.1%	755	615	621	667	683	684	710	617	718
ACTIVE CASES FY END	677	- 9.2%	749	798	723	756	684	713	746	817	670



As usual, in FY 2019 the vast majority of complaints filed (66.8%) alleged employment discrimination.

### HISTORICAL CASES FILED BY JURISDICTION

JURISDICTION	FY:	2019	%	% +/-	2018	2017	2016	2015	2014	2013	2012	2011	2010
EMPLOYMENT		508	66.8%	3%	492	482	480	548	518	483	528	618	492
HOUSING		106	13.9%	-6%	113	103	60	92	73	104	74	78	113
PUBLIC ACCOMMODATION		128	16.8%	23%	104	105	71	98	63	64	37	72	52
EDUCATION		17	2.2%	21%	14	5	5	8	3	3	4	4	9
CREDIT EXTENSION		2	0.3%	-	-	-	2	-	-	-	-	-	-
OFFENSIVE NAMES		-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTALS</b>		<b>761<sup>iii</sup></b>			<b>723</b>	<b>695</b>	<b>618</b>	<b>748</b>	<b>656</b>	<b>654</b>	<b>643</b>	<b>772</b>	<b>666</b>

### FY 2019 CASE FILED BY JURISDICTION





**COMPLAINTS FILED**

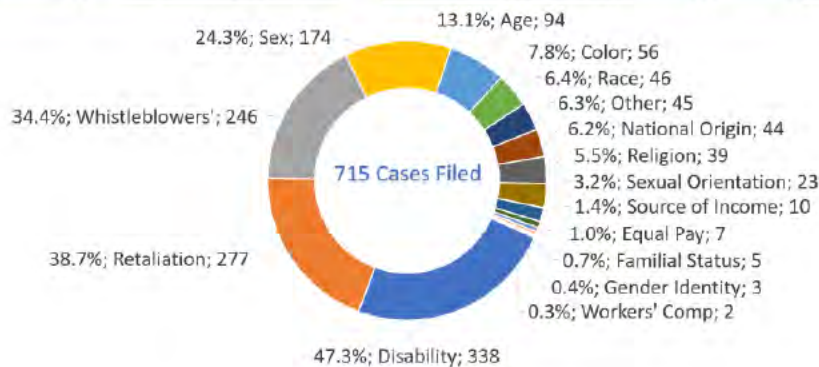
MHRA complaints involve protected classes that vary depending on the unique jurisdictions each case falls under. Very often, a single complaint will contain multiple distinct allegations of discrimination, or “claims”, that require different factual and legal analysis. These more complex investigations require substantially increased staff and Commission work. The Commission tracks both cases and the details of each claims identified in each case in order to accurately reflect the nature and depth of our work and resources required.

In the FY 2019, 715 new cases were filed with the Commission. Disability discrimination was the protected class most often invoked in the new cases filed, at 47.3% (338 of 715 cases). The second and third bases most frequently alleged were MHRA retaliation, at 38.7% of cases (277 of 715), and whistleblower retaliation, alleged in 34.4% of all cases (246 of 715). The fourth most common allegation asserted in cases was sex discrimination, in 24.3% of cases (174 of 715); it is disappointing to note that sexual harassment was alleged in 35.6% of sex discrimination filings (62 out of 174). The protected classes next most often invoked in complaints were: color or race discrimination, at 7.8% and 6.4% of cases respectively (56 and 46); national origin, in 6.2% of cases (44 of 715); religion, in 5.5% of cases (39 of 715); and sexual orientation, in 3.2% of cases (23 of 715). The remaining protected classes, which were invoked collectively in fewer than 4% of cases (27 of 715), include source of income (in 1.4% of cases), equal pay (in 1% of cases), familial status (in .7% of cases), gender identity (in .4% of cases), and a discrete area of workers’ compensation retaliation (in .3% of cases).

When a complaint filed with the MHRC does not fall under the jurisdiction of the MHRA, it is dismissed for lack of jurisdiction. In the fiscal year, 45 cases contained allegations identified systemically as “other” bases. A total of 2.1% of the cases filed (15 of 715 cases) did not fall under any MHRA jurisdiction.

**FY 2019 New Case Filings - Type of Protected Class Allegations**

ALLEGED BASES	2019	F18 - F19 Change +/-	2018	2017	2016	2015	2014	2013	2012	2011	2010	
Disability	338	47.3%	-1.4%	48.7%	51.8%	44.6%	52.0%	48.9%	45.6%	43.1%	39.5%	42.8%
Retaliation	277	38.7%	2.2%	36.5%	36.7%	28.0%	30.9%	29.6%	22.2%	25.8%	16.2%	15.0%
Whistleblowers'	246	34.4%	-3.4%	37.8%	29.1%	31.5%	36.3%	37.5%	31.3%	40.9%	31.6%	30.0%
Sex	174	24.3%	2.5%	21.9%	18.5%	21.0%	22.4%	22.0%	23.9%	23.8%	20.1%	22.3%
Age	94	13.1%	2.1%	11.0%	12.6%	15.8%	12.0%	15.4%	14.5%	13.3%	14.2%	11.5%
Color	56	7.8%	1.9%	5.9%	5.4%	4.1%	8.2%	7.5%	7.0%	5.0%	8.2%	6.7%
Race	46	6.4%	-2.7%	9.2%	6.3%	6.3%	9.7%	9.3%	8.1%	7.0%	9.6%	8.6%
National Origin	44	6.2%	1.8%	4.4%	5.4%	4.1%	5.7%	6.3%	5.4%	3.0%	5.5%	4.7%
Religion	39	5.5%	4.0%	1.4%	1.7%	2.1%	2.8%	3.2%	2.0%	1.9%	3.0%	3.0%
Sexual Orientation	23	3.2%	-1.6%	4.8%	0.9%	2.1%	3.1%	3.4%	5.4%	3.9%	5.8%	7.1%
Source of Income	10	1.4%	.6%	0.8%	2.0%	0.7%	0.5%	0.6%	1.7%	0.3%	1.4%	1.5%
Equal Pay	7	1.0%	1.0%	0.0%	0.0%	0.2%	0.1%	0.3%	0.0%	0.2%	0.0%	0.0%
Familial Status	5	0.7%	-0.4%	1.1%	0.7%	2.1%	1.2%	1.8%	3.1%	3.3%	2.7%	3.3%
Gender Identity	3	0.4%	.3%	0.1%	0.3%	0.8%	0.7%	0.3%	0.0%	0.5%	0.3%	0.5%
Workers' Comp	2	0.3%	.3%	0.0%	0.1%	0.3%	0.4%	1.5%	0.3%	0.5%	0.3%	0.2%
CASES FILED	715		709	701	615	741	656	654	640	770	659	



*This chart describes what protected classes were alleged in the 715 Cases Filed with the Commission; cases often allege discrimination in more than one protected class.*



## **CASES CLOSED**

The Commission closed 748 cases in FY 2019<sup>iv</sup>. Of the 748 cases, 32 case closures were due to activity after a finding of discrimination occurred. It is worth noting that the MHRA itself provides only for two statutory results in cases: a finding of “reasonable grounds” or a finding of “no reasonable grounds”. Since cases that are withdrawn related to settlement or which end via a right-to-sue letter are not reasonable-grounds findings, they actually are dismissed pursuant to the Act as no-reasonable-grounds findings. This can leave our reasonable-grounds rate statistics to be less than fully informative, so we report in more detail the various ways in which Commission cases close.

### ***BEFORE Commission Determination***

- *Settlements (163)*. The Commission encourages voluntary settlement and works with the parties to achieve a resolution that is mutually acceptable. Cases may be resolved at any time while they are before the Commission by means of a settlement; a pre-determination agreement can be one which the parties work out on their own (usually resulting in a request by complainant to withdraw the complaint) or one which a Commission investigator or neutral mediator facilitated (usually resulting in a settlement agreement shared with the Commission). During the period, 163 cases resolved via settlement agreement (90 cases) or withdrawal of complaint with benefits (73 cases) before the Commission issued a determination; complainants obtained \$2,929,956 in monetary relief in merit closures.
  - Our Third Party Neutral Mediation Program, available for a small fee, is very successful in resolving claims; in FY 2019, our skilled mediators facilitated settlement in 63% of cases mediated (49 out of 78)<sup>v</sup>. In addition to monetary awards, settlements often include non-monetary, equitable relief such as an offer of a job or housing unit, modifications providing accessibility, reinstatement, cleared personnel records, policy changes, recommendation letters, and non-retaliation provisions.
- *“Right-to-Sue” letters (132)*. Complainants requested 160 right-to-sue letters in Fiscal Year. If the Commission has not completed its investigation within 180 days of a complaint’s filing, a complainant may request that the Commission issue him/her a right-to-sue letter, which terminates the Commission’s investigation and authorizes the complainant to proceed to court with Act remedies intact.
- *Administrative Dismissals (147)*. The Commission’s Executive Director has authority to dismiss a complaint where a complainant has failed to substantiate a claim of discrimination, the Commission lacks jurisdiction, the complaint is untimely, a complainant fails to cooperate, or a respondent declares bankruptcy. See Commission Procedural Rule, 94-348 Code of Maine Regulations Ch. 2, § 2.02(H). During the Fiscal Year, the Executive Director dismissed 147 cases: 77 for lack of jurisdiction; 70 due to complainant’s failure to cooperate/proceed with the investigation.
- *Withdrawals (34)*. At any time before the Commission issues a report summarizing its investigation, a complainant may choose to withdraw a complaint of discrimination. After a report has been issued, the Commission may allow a complaint to be withdrawn. Withdrawals most often occur when complainants, after reviewing the respondents’ written answers to the complaint or hearing the facts presented by respondents at a conference, decide that they do not wish the Commission to continue processing their case any longer. Complainants withdrew 49 complaints during FY 2019.

### ***Public Hearings Determinations (280)***

If a case is not administratively resolved as described above, an investigator prepares a report recommending a finding as to whether reasonable grounds exist to believe that unlawful discrimination occurred. The Commission sets these reports for public hearing. If neither party submits a written objection to the recommended findings, the Commission places the report on its Consent Agenda and at public hearing adopts the recommendations in all Consent Agenda reports without argument. If one party does submit a written objection to the recommendations, the Commission hears oral argument on the case at a public meeting and then votes on each recommendation.

In FY 2019, Commissioners received and voted on 280<sup>vi</sup> cases resulting in 293 determinations. Before looking into this data in closer detail, it is worth noting that not every claim of discrimination leads to a distinct determination by the Commission - many claims are grouped together (or subsumed) in one determination. In the final analysis, the Commission found reasonable grounds to believe unlawful discrimination occurred in 47 cases; this equates to a

reasonable-grounds rate of 16.8% of cases decided. Out of the 47 reasonable-grounds cases voted on in the period, 33 were cases were closed and 14 remained open at the end of the period.

- Uncontested determinations (187). A majority of recommended determinations by Commission staff were not contested by the parties in FY 2019. In 187<sup>vii</sup> of the 280 cases voted on (66.8%), neither party contested the recommended decisions; these cases appeared on the Commission's Consent Agenda. For uncontested cases listed on our Consent Agenda, Commissioners made no-reasonable-grounds findings in 178 cases, and reasonable-grounds findings in 10 cases.
- Contested determinations (93). In 93 of the 280 cases voted on by Commissioners (33.2%), one party contested the recommended decision. These 93 contested cases were scheduled for hearing. After our hearings ended, Commissioners found no reasonable-grounds to believe that discrimination occurred in 68 contested cases, and reasonable grounds to believe that discrimination occurred in 37 contested cases<sup>viii</sup>.

### ***Post-Reasonable-Grounds Conciliations***

If the parties reach a conciliation resolution including public interest remedies for the Commission, there is a formal agreement by the Commission, complainant and respondent with the Commission monitoring implementation of terms. If the parties reach a resolution of a post-reasonable-grounds case but do not include the Commission in the agreement, or there is no resolution at all, the Commission determines whether to pursue relief in the public interest on its own. During FY 2019, ten post-reasonable grounds cases successfully reached agreement. In successful conciliation agreements with public interest and private relief, the monetary value of these benefits was \$43,870, and significant non-monetary relief (improved policies and training, postings, and monitoring) also was achieved.

### **LITIGATION**

The Act authorizes the Commission to file a lawsuit in court in the name of the Commission, for the use of the complainant, in cases where reasonable grounds are found to believe that unlawful discrimination has occurred, and where conciliation has failed. The Commission Counsel makes recommendations to the Commission in each post-reasonable grounds case in which conciliation has failed, to assist the Commission in deciding whether to file a lawsuit in each of the cases. Where the Commission decides to file a lawsuit, Commission Counsel directs these legal efforts and represents the Commission.

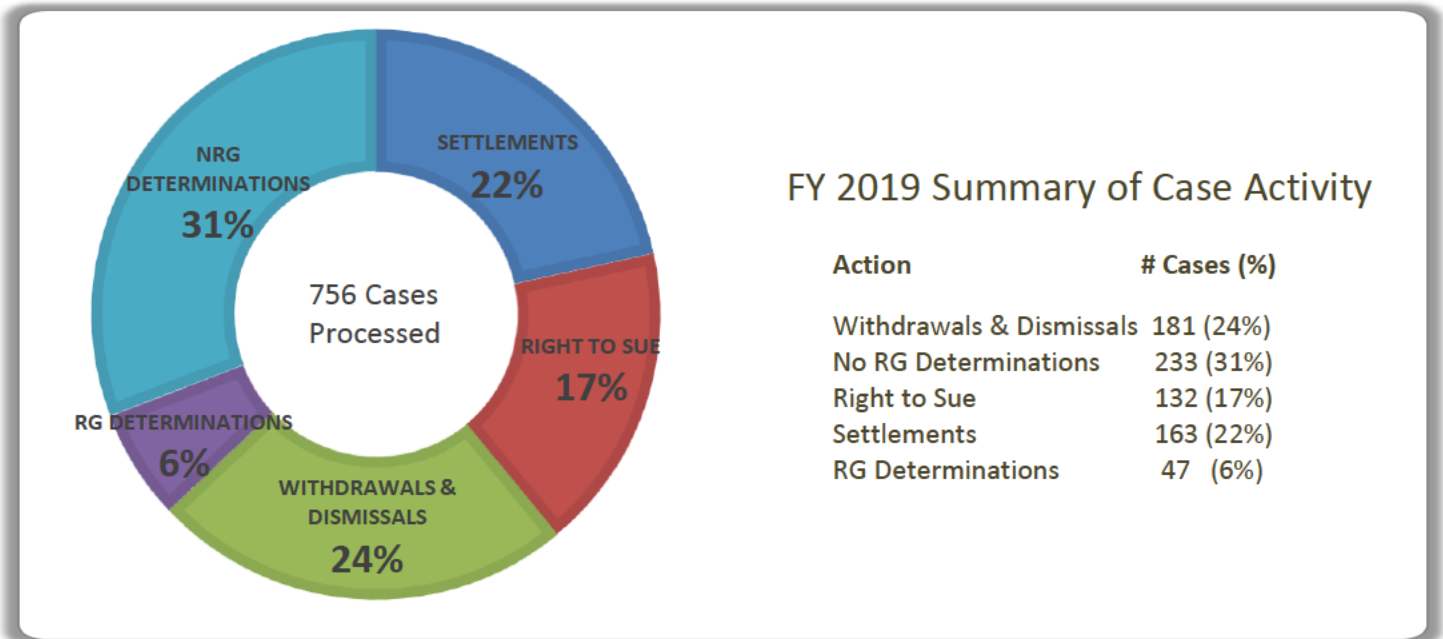
During FY 2019, Commission Counsel filed one new complaint and one amicus brief on behalf of the Commission. Five cases that had been referred to Counsel for litigation or amicus filings were resolved. The Commission was a party in seven court cases throughout the year, and filed an amicus curiae brief in one case. At the end of FY 2019, there were three cases pending in court in which the Commission was a party.

### **REASONABLE-GROUNDS RATES**

Given the 756<sup>ix</sup> new cases determined in FY 2019, and the fact that there were reasonable-grounds findings in 47 cases, the Commission's reasonable-grounds rate for all new cases processed in the year was 6.2%. This could be interpreted to mean that 93.8% of cases processed were in the respondent's favor, but that would not be truly accurate, as so many cases which technically had to be closed with no-reasonable-grounds findings actually resulted in benefits flowing to complainants via settlement agreements and right-to-sue letters.

A more relevant statistic that reflects the Commission's actual rate of finding reasonable grounds (or not) is found by looking at cases decided after full pleading and argument: cases in which an investigator's report was issued. In FY 2019, the Commission's reasonable-grounds rate in the 280 cases in which an investigator's report was issued was 16.8%. It is worth noting that the Investigators' recommended findings were not contested in 66.8% of cases with investigator's reports (187 of 280 cases). In the 93 cases with investigators' reports and recommended decisions that were contested, the reasonable-grounds rate was significantly higher: 39.8% of cases (37 of 93).

Viewed conversely, this means that in FY 2019, a respondent in a fully contested Commission matter decided on its merits stood a 60.2% chance of prevailing in the case.<sup>x</sup>



## **CONCLUSION**

This Annual Report has outlined the Commission’s activities for FY 2019, including: investigating 715 new complaints; continuing investigative work on 638 complaints pending from the 2018 Fiscal Year; closing 748 cases; participating in/delivering 53 trainings; and providing testimony at the Maine Legislature. Given all of this, and our extremely small staff of 14, the sheer volume of the Commission’s work in FY 2019 was staggering (and accomplished with very limited resources). Each Commissioner and staff member at the agency feels responsible to the public to enforce the Act in Maine in the manner in which that law was written and intended. We appreciate the opportunity to have done that in the 2019 Fiscal Year, and look forward to doing so in the next.

<sup>i</sup> The data presented in this report may not include all decisions actually made in the FY, as the data collection relies on a computerized case system that presents data given certain defined parameters. Cases in which the Commissioners find reasonable grounds to believe discrimination occurred continue through a conciliation process and therefore may not be closed and reported within the same year the Commission decision occurred. The figures cited in this report represent cases considered by the Commission and closed in FY 2019.

<sup>ii</sup> After updating inventory data, the FY 2019 beginning inventory was adjusted down from 749 to 710 due to coding discrepancies.

<sup>iii</sup> Because 46 of the 715 new complaints filed fell under dual jurisdictions, there were a total of 761 complaints filed by jurisdiction.

<sup>iv</sup> As noted above, data presented in this report may not include all decisions actually made in the time period, as the data collection relies on a computerized case system that presents data given certain defined parameters. There were additional case closures that occurred in the 2019 Fiscal Year but which were not counted in as closures in our computer system for technical reasons.

<sup>v</sup> The Commission’s FY 2019 approved mediation budget was \$34,000 (which is entirely self-funded). In FY 2019, the Commission received \$34,500 in program fees (\$200 by each of party in a case) from parties for mediations. In FY 2019 mediators were paid \$28,900 (a set fee of \$350/case) to for completing 82 mediations. The Controller of the State of Maine collected \$2,157 in STA-CAP tax (or 7.463%) of expenditures. (STA-CAP tax is a mandatory tax for non-exempt accounts administered by the State of Maine.)

<sup>vi</sup> The disparity between these two rates is because 13 of the 280 cases voted on contained a split finding - one claim in the case led to a finding of reasonable grounds but another claim in the case led to a finding of no reasonable grounds.

<sup>vii</sup> 2 cases resulted in a split finding vote of both reasonable grounds and no reasonable grounds.

<sup>viii</sup> There were 293 hearing case outcomes; of the 280 individual cases, 13 cases had split reasonable grounds and no reasonable grounds findings.

<sup>ix</sup> 756 cases resolved at public hearings, 13 cases had split reasonable grounds and no reasonable grounds findings. The total of 769 case outcomes have been adjusted down by the 13 split vote cases for accuracy.

<sup>x</sup> 37 out of 93 (39.8%) of contested cases were reasonable grounds cases.