

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*August 2001*

**Members:**

*Sen. Anne M. Rand, Chair*

*Sen. Michael J. McAlevey*

*Sen. Norman K. Ferguson, Jr.*

*Rep. Charles C. LaVerdiere, Chair*

*Rep. Thomas D. Bull*

*Rep. Patricia T. Jacobs*

*Rep. Charles E. Mitchell*

*Rep. Christopher T. Muse*

*Rep. Deborah L. Simpson*

*Rep. David R. Madore*

*Rep. G. Paul Waterhouse*

*Rep. Stavros J. Mendros*

*Rep. Roger L. Sherman*

*Rep. Donna M. Loring*

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**Maine State Legislature**  
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**120th Legislature**  
**First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

*CARRIED OVER*..... *Bill Carried Over to Second Regular Session*  
*CON RES XXX*..... *Chapter # of Constitutional Resolution passed by both Houses*  
*CONF CMTE UNABLE TO AGREE*..... *Committee of Conference unable to agree; bill died*  
*DIED BETWEEN BODIES*..... *House & Senate disagree; bill died*  
*DIED IN CONCURRENCE*..... *One body accepts ONTP report; the other indefinitely postpones the bill*  
*DIED ON ADJOURNMENT*..... *Action incomplete when session ended; bill died*  
*EMERGENCY*..... *Enacted law takes effect sooner than 90 days*  
*FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*..... *Emergency bill failed to get 2/3 vote*  
*FAILED ENACTMENT/FINAL PASSAGE*..... *Bill failed to get majority vote*  
*FAILED MANDATE ENACTMENT*..... *Bill imposing local mandate failed to get 2/3 vote*  
*NOT PROPERLY BEFORE THE BODY*..... *Ruled out of order by the presiding officers; bill died*  
*INDEF PP*..... *Bill Indefinitely Postponed*  
*ONTP*..... *Ought Not To Pass report accepted*  
*OTP ND*..... *Committee report Ought To Pass In New Draft*  
*OTP ND/NT*..... *Committee report Ought To Pass In New Draft/New Title*  
*P&S XXX*..... *Chapter # of enacted Private & Special Law*  
*PUBLIC XXX*..... *Chapter # of enacted Public Law*  
*RESOLVE XXX*..... *Chapter # of finally passed Resolve*  
*UNSIGNED*..... *Bill held by Governor*  
*VETO SUSTAINED*..... *Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

## Joint Standing Committee on Judiciary

The person's credentials. The team can review the education, training and experience of the person to help understand the context of the alleged conduct, as well as review whether the person had the appropriate background for the position;

Any conduct on the part of the person related to the allegation. The team will be able to determine if the alleged conduct was an isolated occurrence or simply one episode in a series of similar or escalating instances; and

Any action the school or the Department of Education took in response to the conduct of any person at the school that is similar to the conduct alleged. This allows the team to review what sanctions, if any, have been imposed upon similar conduct.

**LD 1599**

### **An Act to Clarify the Maine Human Rights Act Concerning Responsibility for Employment Discrimination**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	ONTP A	
TURNER	OTP-AM B	
	OTP-AM C	

LD 1599 proposed to clarify whether individuals acting in the interest of an employer are personally liable for employment discrimination under the Maine Human Rights Act. In April 2000, the Maine Law Court issued an opinion in the case of Gordan v. Cummings (Docket #Cum-99-254, April 19, 2000) that found a supervisor individually liable for employment discrimination. However, the Court reconsidered that opinion and issued an opinion in July 2000 declining to decide the question of whether supervisors are individually liable under the Act. LD 1599 proposed to state that individuals are not personally liable. The Judiciary Committee issued three reports on the bill: two "ought to pass as amended" reports, and one "ought not to pass" report.

**Committee Amendment "A" (H-561)** proposed to replace the bill with language that more clearly ensures that individual employees, such as supervisors, are not personally liable for employment discrimination. It also removed language from the bill that may have changed the law in Maine regarding when employers are responsible for actions of their employees and other agents. (Not adopted)

**Committee Amendment "B" (H-562)** proposed to replace the bill with language providing for individual liability only when the individual supervisor or other agent created a hostile work environment, and only if such an environment was created with malice or reckless disregard of the rights of an individual protected by the Maine Human Rights Act. Remedies against the individual could include civil penal damages, cease and desist orders and a requirement to pay costs and attorney's fees to the complainant and would be in addition to any remedies against the employer. (Not adopted)