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JUDICIARY

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STATE OF MAINE

SENATE

132ND LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 655, L.D. 1647, “An Act to Amend the Maine Human Rights Act to Provide Additional Remedies for Educational Discrimination”

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 5 MRSA §4613, sub-§2, ¶B, as amended by PL 2023, c. 263, §1, is further amended by enacting a new subparagraph (7-A) to read:

(7-A) In cases of intentional educational discrimination, compensatory damages as provided in this subparagraph.

(a) A complaining party may recover compensatory damages for loss of education, loss of educational opportunity, past and future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other nonpecuniary losses.

(b) The sum of compensatory damages awarded for intentional educational discrimination may not exceed \$100,000 for each complaining party.

(c) Compensatory damages may not be awarded under this subparagraph unless the complaining party provides actual notice to the educational institution.

(d) Compensatory damages awarded under this subparagraph do not include any other type of relief authorized elsewhere under this subsection.

(e) This subparagraph may not be construed to limit the scope of or the relief available under any other state or federal law.

(f) If a complaining party seeks compensatory damages under this subparagraph, any party may demand a trial by jury.

(g) This subparagraph does not apply to recoveries for a practice that is unlawful under this Title only because of its disparate impact;

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

COMMITTEE AMENDMENT

1 **COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE**
 2 **Maine Community College System - Board of Trustees 0556**

3 Initiative: Establishes one Assistant General Counsel position to handle workload related
 4 to cases of educational discrimination under the Maine Human Rights Act.

5	GENERAL FUND	2025-26	2026-27
6	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
7	Personal Services	\$0	\$125,000
8			
9	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$125,000</u>

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11 **COMMUNITY COLLEGE SYSTEM, BOARD OF**
 12 **TRUSTEES OF THE MAINE**
 13 **DEPARTMENT TOTALS**

13		2025-26	2026-27
14			
15	GENERAL FUND	\$0	\$125,000
16			
17	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$125,000</u>

18 **UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE**
 19 **Educational and General Activities - UMS 0031**

20 Initiative: Establishes one Investigator position in the Office of Equal Opportunity and Title
 21 IX Services to support investigations related to cases of educational discrimination under
 22 the Maine Human Rights Act.

23	GENERAL FUND	2025-26	2026-27
24	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
25	Personal Services	\$0	\$132,600
26			
27	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$132,600</u>

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29 **UNIVERSITY OF MAINE SYSTEM, BOARD OF**
 30 **TRUSTEES OF THE**
 31 **DEPARTMENT TOTALS**

31		2025-26	2026-27
32			
33	GENERAL FUND	\$0	\$132,600
34			
35	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$132,600</u>

36

37 **SECTION TOTALS**

37		2025-26	2026-27
38			
39	GENERAL FUND	\$0	\$257,600
40			
41	SECTION TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$257,600</u>

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

3 **SUMMARY**

4 This amendment limits to \$100,000 the amount a complaining party may recover in
5 compensatory damages under the bill in cases of intentional educational discrimination
6 under the Maine Human Rights Act. The amendment also specifies that compensatory
7 damages may not be awarded unless the complaining party provides actual notice to the
8 educational institution that is alleged to have committed the educational discrimination.
9 The amendment also removes the provision of the bill that provides that these
10 compensatory damages are not available in cases when the educational institution has
11 demonstrated good faith efforts to make a reasonable accommodation.

12 The amendment also provides funding to the Maine Community College System to
13 establish one Assistant General Counsel position to handle cases related to educational
14 discrimination and to the University of Maine System to establish one Investigator position
15 in the Office of Equal Opportunity and Title IX Services to support investigations related
16 to educational discrimination.

17 **FISCAL NOTE REQUIRED**

18 **(See attached)**