



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 967

H.P. 614

House of Representatives, March 2, 2023

An Act to Strengthen Protections of Persons After a Maine Human Rights Commission Investigation Finds No Reasonable Grounds Exist to Believe Unlawful Discrimination Occurred

Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative GREENWOOD of Wales.

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

2 **Sec. 1. 5 MRSA §4612, sub-§2-A**, as amended by PL 2021, c. 366, §20, is further
3 amended by amending the first blocked paragraph to read:

4 An administrative dismissal operates as an order of dismissal and has the same effect as a
5 finding by the commission that no reasonable grounds exist to believe that unlawful
6 discrimination has occurred, except that an administrative dismissal does not trigger the
7 prohibitions in subsection 4, paragraph C and except that an administrative dismissal
8 pursuant to paragraph C does not entitle the complainant to an award of attorney's fees,
9 civil penal damages or compensatory and punitive damages.

10 **Sec. 2. 5 MRSA §4612, sub-§4**, as amended by PL 2019, c. 465, §6, is further
11 amended to read:

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

14 A. If the commission finds reasonable grounds to believe that unlawful discrimination
15 has occurred, and further believes that irreparable injury or great inconvenience will be
16 caused the victim of such discrimination or to members of a protected class group if
17 relief is not immediately granted, or if conciliation efforts under subsection 3 have not
18 succeeded, the commission may file in the Superior Court a civil action seeking such
19 relief as is appropriate, including temporary restraining orders. In a complaint
20 investigated pursuant to a memorandum of understanding between the commission and
21 the United States Department of Housing and Urban Development that results in a
22 reasonable grounds determination, the commission shall file a civil action for the use
23 of complainant if conciliation efforts under subsection 3 are unsuccessful.

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

26 (1) In unlawful housing discrimination, that the housing accommodation sought is
27 likely to be sold or rented to another during the pendency of proceedings, or that
28 an unlawful eviction is about to occur;

29 (2) In unlawful employment discrimination, that the victim of the discrimination
30 has lost or is threatened with the loss of job and income as a result of such
31 discrimination;

32 (3) In unlawful public accommodations discrimination, that such discrimination
33 is causing inconvenience to many persons; and

34 (4) In any unlawful discrimination, that the victim of the discrimination is
35 suffering or is in danger of suffering severe financial loss in relation to
36 circumstances, severe hardship or personal danger as a result of such
37 discrimination.

38 C. If, after investigation, the commission finds that no reasonable grounds exist to
39 believe that unlawful discrimination has occurred, neither the commission nor
40 commission staff may:

1 (1) File a civil action on behalf of the commission or on behalf of the complainant
2 arising out of the facts and circumstances alleged in the complaint that was
3 dismissed;

4 (2) Provide assistance, including legal, financial or administrative assistance, to a
5 complainant who files a civil action under section 4621 arising out of the facts and
6 circumstances alleged in the complaint that was dismissed; or

7 (3) Expend any commission resources to assist a complainant who files a civil
8 action under section 4621 arising out of the facts and circumstances alleged in the
9 complaint that was dismissed.

10 **Sec. 3. 5 MRSA §4614**, as amended by PL 2019, c. 465, §7, is further amended to
11 read:

12 **§4614. Attorney's fees and costs**

13 In any civil action under this Act, the court, in its discretion, may allow the prevailing
14 party reasonable attorney's fees and costs, except that the commission may not be awarded
15 attorney's fees and costs and is not liable to pay any party's attorney's fees and costs unless
16 the court finds that the commission violated section 4612, subsection 4, paragraph C, in
17 which case the court shall order the commission to pay the defendant's reasonable attorney's
18 fees and costs.

19 **Sec. 4. Application.** Notwithstanding the Maine Revised Statutes, Title 1, section
20 302, this Act applies to any case that is pending on the effective date of this Act.

21 **SUMMARY**

22 This bill prohibits the Maine Human Rights Commission and commission staff from
23 filing a civil action arising out of the facts and circumstances alleged in a complaint if the
24 commission dismissed that complaint based on a finding that no reasonable grounds exist
25 to believe that unlawful discrimination occurred. The bill also prohibits the commission
26 and commission staff from providing assistance, including legal, financial or administrative
27 assistance, to a complainant who files a civil action arising out of the facts and
28 circumstances alleged in such a complaint. If a court finds that the commission or
29 commission staff have violated these prohibitions, the court is directed to order the
30 commission to pay the defendant's reasonable attorney's fees and costs.

31 Notwithstanding the Maine Revised Statutes, Title 1, section 302, these prohibitions
32 apply to any case that is pending on the effective date of this legislation.