

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 637 - L.D. 1001

**An Act to Amend the Maine Human Rights Act Regarding Right-to-sue Letters**

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

**Sec. 1. 5 MRSA §4612, sub-§6**, as amended by PL 1995, c. 462, Pt. A, §7, is repealed and the following enacted in its place:

**6. Issuance of right-to-sue letter.** The commission may issue a right-to-sue letter only in accordance with this subsection.

A. If, later than the 180th day after the date a complaint is 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 submit a written request for a right-to-sue letter and the commission shall issue the requested right-to-sue letter.

B. If a complainant submits a written request for a right-to-sue letter before the 180th day after the date a complaint is filed with the commission, the commission shall issue a right-to-sue letter if:

(1) The executive director of the commission determines that the complainant has demonstrated good cause for requesting the right-to-sue letter before the expiration of the 180-day period after the filing of the complaint; and

(2) The executive director of the commission certifies that it is probable that the commission will not be able to conclude its investigation before the 180-day period after the filing of the complaint.

If the commission issues a right-to-sue letter in accordance with this subsection, it shall end its investigation of the complaint unless the executive director of the commission and legal counsel to the commission determine that proceeding with the investigation would achieve the purposes of this chapter, in which case the commission shall continue to investigate the complaint as if it had been filed by an employee of the commission under section 4611.

**Sec. 2. 5 MRSA §4622, sub-§1**, as amended by PL 2021, c. 366, §21, is further amended by enacting after paragraph D a new blocked paragraph to read:

If the commission issued a right-to-sue letter, the plaintiff may not be awarded attorney's fees, civil penal damages or compensatory and punitive damages unless the plaintiff establishes that the plaintiff received the right-to-sue letter before filing the civil action.