

§4566. Powers and duties of the commission

The commission has the duty of investigating 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. Without limiting the generality of the foregoing, it has the duty of investigating all forms of invidious discrimination, whether carried out legally or illegally, and whether by public agencies or private persons. Based on its investigations, it 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. [PL 1975, c. 182, §2 (AMD).]

To carry out these duties, the commission shall have the power: [PL 1971, c. 501, §1 (NEW).]

1. Office. To establish and maintain a principal office, and such other offices within the State as it may deem necessary;

[PL 1971, c. 501, §1 (NEW).]

2. Meetings. To meet and function at any place within the State;

[PL 1971, c. 501, §1 (NEW).]

3. Personnel. To appoint a full-time executive director and counsel to the commission, not subject to the Civil Service Law, and determine their remuneration; and to appoint, subject to the Civil Service Law, other personnel including, but not limited to, investigators, attorneys, compliance personnel and secretaries, as it shall deem necessary to effectuate the purposes of this Act;

[PL 2019, c. 465, §1 (AMD).]

4. Hearings. To hold hearings, to administer oaths and to take the testimony of any person under oath. There is no executive privilege in such investigations and hearings, but law enforcement officers, prosecution officers and judges of this State and of the United States are privileged from compulsory testimony or production of documents before the commission. Such hearings and testimony may relate to general investigations concerning the effectiveness of this Act and the existence of practices of discrimination not prohibited by it, as well as to investigations of other alleged infringements upon human rights and personal dignity. The commission may make rules as to the administration of oaths and the holding of preliminary and general investigations by panels of commissioners and by the executive director;

[PL 2019, c. 465, §2 (AMD).]

4-A. Subpoena power. Pursuant to a complaint which has been filed in accordance with section 4611 by a person who has been subject to unlawful discrimination, the commission may issue subpoenas; as provided in subsection 4-B, to compel access to or production of premises, records, documents and other evidence or possible sources of evidence or the appearance of persons, provided that there is reasonable cause to believe that those materials or the testimony of the persons are material to the complaint. The commission may not issue subpoenas except as provided in this subsection.

[PL 1977, c. 648, §1 (NEW).]

4-B. Subpoenas; contest of validity. If a subpoena is issued, notice must be given to the person who is alleged to have engaged in the unlawful discrimination. The person upon whom the subpoena is served may contest its validity. A judicial review of the subpoenas is permissible in any Superior Court;

[PL 1993, c. 303, §1 (AMD).]

5. Services. To utilize voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed;

[PL 1971, c. 501, §1 (NEW).]

6. Advisory groups. To create local or statewide advisory agencies and conciliation councils to aid in effectuating the purposes of this Act. The commission may study or may empower these agencies

and councils to study the problems of discrimination in all or specific fields of human relationships when based on protected class characteristics, membership or status, and foster good will among the groups and elements of the population of the State. Agencies and councils may make recommendations to the commission for the development of policies and procedures. Advisory agencies and conciliation councils created by the commission must be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses;
[PL 2019, c. 465, §3 (AMD).]

7. Rules and regulations. To adopt, amend and rescind rules and regulations to effectuate this Act, such adoption, amendment and rescission to be made in the manner provided by chapter 375, subchapter 2. Rules adopted to implement section 4553-A are major substantive rules as defined in chapter 375, subchapter 2-A;
[PL 2007, c. 385, §5 (AMD).]

8. Appearance. To appear in court and before other administrative bodies by its own attorneys;
[PL 1971, c. 501, §1 (NEW).]

9. Notices and forms. To require the posting of notices or the adoption of forms by businesses subject to this Act, to effectuate the purposes of this Act;
[PL 1971, c. 501, §1 (NEW).]

10. Publications. To publish results of investigations and research to promote good will and minimize or eliminate discrimination based on protected class characteristics, membership or status;
[PL 2019, c. 465, §4 (AMD).]

11. Reports. To report to the Legislature and the Governor at least once a year describing the investigations, proceedings and hearings the commission has conducted and the outcome and other work performed by the commission, and to make recommendations for further legislation or executive action concerning abuses and discrimination based on protected class characteristics, membership or status, or other infringements on human rights or personal dignity; and
[PL 2019, c. 465, §5 (AMD).]

12. Other acts. To do such other things as are set out in the other subchapters, and everything reasonably necessary to perform its duties under this Act.
[PL 1971, c. 501, §1 (NEW).]

SECTION HISTORY

PL 1971, c. 501, §1 (NEW). PL 1973, c. 347, §§2-4 (AMD). PL 1973, c. 705, §§2-4 (AMD). PL 1975, c. 182, §2 (AMD). PL 1975, c. 355, §§2-4 (AMD). PL 1975, c. 358, §§3-5 (AMD). PL 1975, c. 770, §§29-31 (AMD). PL 1977, c. 648, §1 (AMD). PL 1977, c. 674, §8 (AMD). PL 1977, c. 694, §29 (AMD). PL 1983, c. 550, §1 (AMD). PL 1985, c. 785, §B36 (AMD). PL 1991, c. 99, §§3-5 (AMD). PL 1993, c. 303, §1 (AMD). PL 2005, c. 10, §§7-9 (AMD). PL 2007, c. 385, §5 (AMD). PL 2019, c. 465, §§1-5 (AMD).

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