

§4622. Limitations on attorneys' fees and damages; procedures

1. Limitation. Attorney's fees under section 4614 and civil penal damages or compensatory and punitive damages under section 4613 may not be awarded to a plaintiff in a civil action under this Act unless the plaintiff alleges and establishes that, prior to the filing of the civil action, the plaintiff first filed a complaint with the commission and the commission either:

- A. Dismissed the case under section 4612, subsection 2 or subsection 2-A, paragraphs A and B and D to F; [PL 2021, c. 366, §21 (AMD).]
- B. Failed, within 90 days after finding reasonable grounds to believe that unlawful discrimination occurred, to enter into a conciliation agreement to which the plaintiff was a party; [PL 2003, c. 279, §1 (AMD).]
- C. Issued a right-to-sue letter under section 4612, subsection 6; or [PL 2009, c. 235, §4 (AMD).]
- D. Dismissed the case in error. [PL 2003, c. 279, §3 (NEW).]

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.

This subsection does not apply to or limit any remedies for civil actions filed under subchapter 5 if one or more additional causes of action are alleged in the same civil action that do not require exhaustion of administrative remedies or subchapter 4 if the allegations are covered by the federal Fair Housing Act, 42 United States Code, Chapter 45.

[PL 2023, c. 255, §2 (AMD).]

2. Advancement on docket; priority. If the plaintiff alleges and establishes that the conditions of subsection 1 have been met, the action may also be advanced on the docket and given priority over other civil actions.

[PL 1981, c. 255, §4 (NEW).]

SECTION HISTORY

PL 1971, c. 501, §1 (NEW). PL 1973, c. 347, §14 (AMD). PL 1981, c. 255, §4 (RPR). PL 1993, c. 327, §§3,4 (AMD). PL 1995, c. 393, §30 (AMD). PL 1997, c. 400, §2 (AMD). PL 2003, c. 279, §§1-3 (AMD). PL 2009, c. 235, §4 (AMD). PL 2011, c. 613, §23 (AMD). PL 2011, c. 613, §29 (AFF). PL 2019, c. 465, §8 (AMD). PL 2021, c. 366, §21 (AMD). PL 2023, c. 255, §2 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular Session and the First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.