

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Amend the Statute of Limitations under the Maine Human Rights Act**

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

**Sec. 1. 5 MRSA §4611**, as amended by PL 1995, c. 393, §28, is further amended to read:

### **§ 4611. Complaint**

Any person who believes that the person has been subject to unlawful discrimination, or any employee of the commission, may file a complaint under oath with the commission stating the facts concerning the alleged discrimination, ~~provided~~except that such complaints must be filed with the commission not more than ~~6 months~~300 days after the alleged act of unlawful discrimination. In addition, any person may file a complaint pursuant to section 4632.

**Sec. 2. 5 MRSA §4612, sub-§1, ¶B**, as amended by PL 2007, c. 243, §6, is further amended to read:

B. The commission or its delegated commissioner or investigator shall conduct such preliminary investigation as it determines necessary to determine whether there are reasonable grounds to believe that unlawful discrimination has occurred. In conducting an investigation, the commission, or its designated representative, must have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy those materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The commission may issue subpoenas to compel access to or production of those materials or the appearance of those persons, subject to section 4566, subsections 4-A and 4-B, and may serve interrogatories on a respondent to the same extent as interrogatories served in aid of a civil action in the Superior Court. The commission may administer oaths. The complaint and evidence collected during the investigation of the complaint, other than data identifying persons not parties to the complaint, is a matter of public record at the conclusion of the investigation of the complaint prior to a determination by the commission. An investigation is concluded upon issuance of a letter of dismissal or upon listing of the complaint on a published commission meeting agenda, whichever first occurs. Prior to the conclusion of an investigation, all information possessed by the commission relating to the investigation is confidential and may not be disclosed, except that the commission and its employees have discretion to disclose such information as is reasonably necessary to further the investigation. Notwithstanding any other provision of this section, the complaint and evidence collected during the investigation of the complaint may be used as evidence in any subsequent proceeding, civil or criminal. The commission must conclude an investigation under this paragraph within 2 years of the alleged act of discrimination.

**Sec. 3. 5 MRSA §4613, sub-§2, ¶C**, as amended by PL 1975, c. 357, §2, is further amended to read:

C. The action ~~shall~~must be commenced not more than ~~2 years~~90 days after the ~~act of unlawful discrimination complained of.~~issuance of a right-to-sue letter under section 4612, subsection 6; and

### **SUMMARY**

This bill changes the statute of limitations under the Maine Human Rights Act from 6 months to 300 days after an alleged act of discrimination to file a complaint with the commission, requires the Maine Human Rights Commission to conclude its investigation of a complaint within 2 years of the alleged act of discrimination and changes the time frame to file a lawsuit from 2 years after the alleged act of discrimination to 90 days after the issuance of a right-to-sue letter.