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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT " " to H.P. 637, L.D. 1001, "An Act to Amend the Maine Human Rights Act Regarding Right-to-sue Letters"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'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 A, §7, is repealed and the following enacted in its place: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.

COMMITTEE AMENDMENT

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

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

6 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
7 number to read consecutively.

8 **SUMMARY**

9 This amendment, which is the majority report of the committee, strikes the provision
10 of the bill that allows the Maine Human Rights Commission to issue a right-to-sue letter to
11 a complainant on the 181st day after a complaint is filed with the commission without
12 receiving a request for a right-to-sue letter from the complainant.

13 Instead, the amendment requires the commission to issue a right-to-sue letter to a
14 complainant if the complainant submits a written request for a right-to-sue letter more than
15 180 days after filing a complaint with the commission. The amendment also authorizes the
16 commission to issue a right-to-sue letter to a complainant less than 180 days after the filing
17 of a complaint if the complainant submits a request in writing and the executive director of
18 the commission determines that the complainant has demonstrated good cause for
19 submitting an early request for a right-to-sue letter and that it is probable that the
20 commission will not be able to complete its investigation within 180 days of the filing of
21 the complaint.

22 The amendment also requires the commission to end its investigation whenever the
23 commission issues a right-to-sue letter to a complainant unless the executive director of the
24 commission and legal counsel to the commission determine that proceeding with the
25 investigation would achieve the purposes of the Maine Human Rights Act. If this
26 determination is made, the commission must continue to investigate the complaint as if it
27 had originally been filed by an employee of the commission.

28 **FISCAL NOTE REQUIRED**

29 **(See attached)**