

● MAINE HUMAN RIGHTS ACT

STATUTORY CITATION: Me. Rev. Stat. Title 5, §§ 4551 – 4634

GENERAL SUMMARY: The Maine Human Rights Act contains fair employment provisions which generally guarantee each individual's opportunity to secure employment without discrimination because of race, color, sex (including pregnancy), sexual orientation, physical or mental disability, religion, age, ancestry, or national origin. The Act applies to virtually all employment in the state, other than services performed for nonprofit religious and fraternal organizations.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL EMPLOYMENT DISCRIMINATION — Except where based on a bona fide occupational qualification, it is regarded as unlawful discrimination for an employer to refuse to hire or to otherwise discriminate against any job applicant because of the applicant's race, color, sex (including pregnancy), sexual orientation, physical or mental disability, religion, age, ancestry, national origin, or previous assertion of a workers' compensation claim or exercise of a right under the Workers' Compensation Act. Likewise, an employer may not discharge an employee or discriminate against an employee with respect to hire, tenure, promotion, transfer, compensation, privileges of employment, or any other matter directly or indirectly related to employment, on grounds of race, color, sex (including pregnancy), sexual orientation, physical or mental disability, religion, age, ancestry, or national origin. The use of an employment agency which the employer knows or has reason to believe discriminates against individuals on these grounds is also illegal.

Employment agencies and labor organizations are prohibited from engaging in similar acts of discrimination on these same grounds.

COMPLAINTS — Any person who has been subjected to unlawful employment discrimination may file a complaint with the state enforcement agency. To be considered timely, the complaint must be filed within 300 days after the alleged act took place. If a preliminary investigation of the matter finds reasonable grounds to believe unlawful discrimination has occurred, the state agency normally must take steps to try to eliminate the violation through conference, conciliation and persuasion. The agency may file a civil action in superior court if informal efforts do not result in a conciliation agreement signed by the parties to the complaint.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal to discriminate in any way against an individual because the person has opposed an act or practice that is unlawful under this law, or because the person filed a complaint, testified, or participated in an investigation, proceeding or hearing under the law. Likewise, an employer is prohibited from coercing, intimidating or threatening an employee for exercising the employee's rights under this law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Maine Human Rights Commission, Augusta, Maine 04333 (207-624-6290)*. The Commission is charged with enforcement of all provisions of the Human Rights Act, and in that role may hold hearings, subpoena witnesses and records, and take other appropriate measures to investigate and resolve reported or suspected illegal discrimination. The Commission is empowered to seek court-ordered money penalties and other relief for any violation of the Act.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — If, within 180 days of filing a complaint with the Human Rights Commission, the Commission has not filed a civil action or entered into a conciliation agreement in the case, the complainant may request a right-to-sue letter and take legal action against the alleged offender directly, using a private attorney or a public legal service provider. However, civil action must be commenced not more than 2 years after the discriminatory act occurred, and no monetary damages or attorney's fees may be awarded to the plaintiff unless the complaint is first filed with the state Human Rights Commission and the agency either dismisses the case or fails, within 90 days after a finding of reasonable grounds, to enter into a conciliation agreement.