

## Effective September 12, 2009, Filing Deadlines Under Maine Human Rights Act Extended

Lori Londis Dwyer | September 2, 2009

LD 235, "An Act to Amend the Statute of Limitations Under the Maine Human Rights Act" ("Amendment"), goes into effect on September 12, 2009 and extends the filing deadlines under the Maine Human Rights Act ("MHRA") in several important ways. Under current law, employees who allege discrimination are given six months to file a charge with the Maine Human Rights Commission ("Commission"). Under the Amendment, employees will now have 300 days from the date of the alleged unlawful act of discrimination to file a charge with the Commission.

In addition, the Amendment requires the Commission to complete an investigation within two years after a charge of discrimination is filed. Existing law does not place any such time constraints on the Commission.

Finally, the Amendment also extends the statute of limitations for filing court actions. The current statute of limitations for court actions alleging discrimination under the MHRA is 2 years from the act of unlawful discrimination. Under the Amendment, would-be plaintiffs will have either 2 years from the act of discrimination, or 90 days from the date the Commission takes action on the charge (by issuing its findings, dismissing the case, or issuing a right to sue letter) to file suit in court. In other words, Plaintiffs who first file a charge of discrimination with the Commission may have just over three years in total after the alleged discriminatory act to file suit in court (300 days to file with the Commission + 2 year investigation at the Commission + 90 days after Commission issues findings). This depends, of course, on how quickly the Commission issues its findings in a given case.

Based on the position taken in Commission Counsel Memo 6/11/2009, the new law likely will apply to cases currently pending before the Commission. However, the Commission has committed to "wrapping up" pending cases sufficiently in advance of the 2-year statute of limitations to avoid legal battles over the retroactivity of the Amendment.

If you have any questions about these new filing deadlines under the Maine Human Rights Act, please contact Lori Londis Dwyer or Matt Tarasevich in the Portland, Maine offices of Bernstein Shur at 207 774-1200.