



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

Senator Inn- Boardroom

19 Union Street ~ Augusta, Maine

April 24, 2017

Commissioner Chair Arnold Clark called the meeting to order at 8:31 AM. Also present were Commissioners Deborah Whitworth and Ted Helberg.

AGENDA

Commissioner Clark called for a motion to adopt the Agenda and Consent Agenda. Commissioner Whitworth moved, seconded by Commissioner Helberg, to adopt the Agenda and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 3 in favor | 0 opposed. See detailed listing of Consent Agenda cases on page 3.

MINUTES

Commissioner Whitworth moved, seconded by Commissioner Helberg, to adopt the March 27, 2017 Commission meeting minutes. 3 in favor | 0 opposed.

ADMINISTRATION

Executive Director Sneirson next provided monthly reports on Commission activities:

- Personnel: No new activity in March 2017.
- Compliance:
 - Since the last meeting, there were no unsuccessful conciliations, one successful conciliation and two conciliations of reasonable-grounds cases that remain active in active conciliation.
 - The Commissioners reviewed the conciliation agreement in the one successfully conciliated case, *Clay v DES Properties, LLC and Elk River Properties, LLC*, H16-0401. Commissioner Helberg moved, seconded by Commissioner Whitworth, to approve the conciliation agreement. 3 in favor | 0 opposed.
 - There are two cases with conciliation agreements in which the Commission monitored implementation of agreement terms. Because the agreement terms in both cases have been successfully implemented, the cases may be dismissed at this time. Commissioner Whitworth moved, seconded by Commissioner Helberg, to dismiss the Commission's conciliated cases E15-0368 (*Davis v. Sears Holding*) and E15-0370 (*Davis v. Home Depot*). 3 in favor | 0 opposed.
- Investigation:
 - New Charges: 77 new charges filed in March.
 - Administrative Dismissals: 18 administrative dismissals issued in March.
 - There were 8 predetermination settlements with benefits of \$105,000 to complainants.

NEW BUSINESS:

- Executive Director Sneirson reviewed a proposal from Pine Tree Legal Assistance that it provide Commissioners an overview of PTLA's program relating to housing "tester" cases. Commissioners found this would be helpful and agreed to a future presentation by PTLA.

- The remaining New Business items were moved to after morning list of cases.

The Commission took a ten-minute break at 8:35 AM.

CASES VOTED ON 8:45 A.M.

E15-0153: Gary Lyford (LaGrange, ME) v. Pan Am Railways (North Billerica, MA). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Pan Am Railways discriminated in employment against Gary Lyford on the basis of sex or color by laying him off. 3 in favor | 0 opposed.

H/PA16-0495: Ed Friedman (Bowdoinham) v. Central Maine Power (Augusta). At the request of Complainant Ed Friedman, Commissioner Whitworth recused herself from hearing this case; the case was decided by Commissioners Helberg and Clark. Attorney Kenneth Farber restated the position of the Respondent. Complainant Ed Friedman restated his position as the Complainant. Investigator Stuart Evans restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Respondent Central Maine Power discriminated against Complainant Ed Friedman in housing on the basis of disability by interfering with his equal use and enjoyment of his housing when it denied his request for a reasonable modification or to believe that Respondent discriminated against Complainant in public accommodations on the basis of disability by enforcing a facially neutral policy that had a disparate impact on a protected class. 2 in favor | 0 opposed. Commissioner Helberg moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Respondent discriminated against Complainant in public accommodations on the basis of disability by denying him a reasonable modification to a policy. 2 in favor | 0 opposed.

H16-0528: Robin Riopelle (Caribou) v. Brian Bickford (Caribou) and Sharon Bickford (Caribou) Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondents Brian and Sharon Bickford subjected Complainant Robin Riopelle to less favorable terms and conditions in the rental of a housing accommodation due to her association with an individual with a disability. 3 in favor | 0 opposed.

EXECUTIVE SESSION:

At 9:31 AM, Commissioner Whitworth moved, seconded by Commissioner Helberg, to go into executive session to discuss pending or contemplated litigation and the Commission's legal rights and duties with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 3 in favor | 0 opposed.

At approximately 10:10 AM, Commissioner Whitworth moved, seconded by Commissioner Helberg, to come out of executive session. 3 in favor | 0 opposed.

NEW BUSINESS:

Executive Director Sneirson discussed with the Commissioners the various legislative proposals about which the Commission had provided testimony to date this session, including LD 197 (would authorize ballot initiative to amend state constitution to prohibit sex discrimination), LD 198 (would have amended MHRA's housing statute to hold landlord harmless if assistance animal caused damage on premises), LD 390 (would require Commission and its employees to report persons in Maine without lawful status to federal immigration authorities), LD 771 (proposed to make unlawful employment discrimination based on climate change beliefs), and LD 1004 (would create action for retaliation against employee for complaining about wages under MDOL

statutes). Executive Director Sneirson also discussed several legislative proposals yet to be heard, including LD 1239 (the bill the Commission worked on with Rep. Will Tuell after the Executive Review Panel report), LD 1259 (would amend MHRA and Maine labor statutes to make inquiries about applicants' prior compensation unlawful), and LD 1477 (MDOL bill that would require Commission to annually create and post on Commission's website a detailed training guidance for MDOL sexual harassment training requirements).

At approximately 10:30 AM, Commissioner Clark adjourned the meeting.

CONSENT AGENDA

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there was no written disagreement to the Investigator's recommendation. Commissioners considered these cases without oral argument by the parties.

PA15-0093 PA15-0094	Richard E. Salomon (Worcester, MA) v. Town of Veazie/Police Department (Veazie, ME) & Town of Orono/Police Department (Orono, ME)	NRG
PA15-0130	Kenneth Stanhope (Steuben) v. The Bluebird Ranch Family Restaurant (Machias)	NRG
PA15-0131	Kenneth Stanhope (Steuben) v. Walmart (Ellsworth)	NRG
E15-0146	Rosemarie Erwin (Sanford) v. Premier Education Group, LP d/b/a Seacoast Career Schools (Sanford)	NRG
E15-0148	Sal M. Carvajal (Columbia Falls) v. Wyman's of Maine (Cherryfield)	NRG
PA15-0158 PA15-0157	George J. Stanley (Greene) v. Special Olympics Maine (South Portland) and Brunswick Hotel/Restaurant (The) (Old Orchard Beach)	NRG
E15-0161	Georgia Gunning (South China) v. SOM/DHHS/Riverview Psychiatric Center (Augusta)	NRG
E15-0170	Jo Linda Robinson (Bangor) v. Phillips Strickland House (Bangor)	NRG
PA15-0179	Richard A. McEachern (Warren) v. SOM/Dept. of Corr./Maine State Prison (Augusta)	NRG
E15-0217	Nancy C. Millet (Gorham) v. Advantage Sales and Marketing (Irvine, CA)	NRG
E15-0288	Luben D. Atanassov (Portland) v. ASAP Taxi (Portland)	NRG
E15-0482	Daniel Cross (Thomaston) v. SPC Transport Co. (Auburn)	NRG
CE16-0026	Robert Abel (Portland) v. TD Bank (Portland)	NRG
E16-0091	Robert LaPointe (Caribou) v. John Fulton (Presque Isle) & Carpet Barn (Caribou)	NRG
PA16-0174	Jamia Colcord-Lancaster (Bath) v. MidCoast Connector (Belfast)	NRG
H17-0001-A H17-0001-B	Clifford Roy (Lewiston) v. Holly Bachmann (Auburn) & Matt Caron (Lewiston)	NRG