



Maine Human Rights Commission

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COMMISSION MEETING MINUTES MARCH 20, 2023 MEETING

Held in Hybrid Format - In Person (19 Union Street, Augusta, Maine) and via ZOOM

Commissioner Jefferson Ashby chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners Edward David, Julie Ann O'Brien, Mark Walker, and Thomas Douglas.

AGENDA

Commissioner Douglas moved, seconded by Commissioner O'Brien, to adopt the Agenda and Consent Agenda as amended to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 3). 5 in favor | 0 opposed.

MINUTES

Commissioner David moved, seconded by Commissioner Douglas, to adopt the February 2023 Commission Meeting Minutes. 5 in favor | 0 opposed

ADMINISTRATION

Monthly reports: Executive Director Sneirson discussed reporting on the following Commission activities:

- Personnel: A report was placed on file.
- Compliance: Since the last meeting, there were six unsuccessful conciliations and no successful conciliations, with seven reasonable-grounds cases remaining in active conciliation.
- New Charges: 64 new complaints filed in February.
- Administrative Dismissals: Seven administrative dismissals issued in February.
- Pre-determination settlements: 10 in February with benefits to complainants.

New Business:

E.D. Sneirson reported on the status of Legislative matters related to the Commission, including several bills on which the Commission already has testified and Biennial Budget initiatives.

At approximately 8:45 AM, Commissioner Ashby began the Hearing Agenda.

CASES VOTED ON

PA21-0044: Zachary Tomaselli (Lewiston) v. Wellspring, Inc. (Bangor). Zachary Tomaselli presented his position as the Complainant. Attorney Matthew Raynes presented Respondent's position. Investigator Robert Beauchesne presented/answered Commissioner questions about the investigation and report. Commissioner David moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Wellspring, Inc. discriminated against Zachary Tomaselli on the basis of sex and/or sexual orientation (hostile environment) and that

there are no reasonable grounds to believe that Wellspring, Inc. discriminated against Zachary Tomaselli on the basis of sex and/or sexual orientation (terms and conditions), and that the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

PA21-0055(A-G): Earl Bieler (Warren) v. Maine Department of Corrections (Augusta), Randall Liberty (Augusta), Ryan Thornell (Augusta), Dr. Fine (Augusta), Dr. Propp (Augusta), Dr. Bertone (Augusta) & Dan Ridder (Augusta). Earl Bieler presented his position as the Complainant. Assistant Attorney General Jill O'Brien presented the Respondents' position. Deputy Commission Counsel Kit Thomson-Crossman presented/answered Commissioner questions about the investigation and report. Commissioner Douglas, seconded by Commissioner David, moved to find that there are no reasonable grounds to believe that Maine Department of Corrections, Randall Liberty, Ryan Thornell, James Fine, Jascha Propp, Dana Bartone, or Dan Ritter discriminated against Earl Bieler on the basis of disability, and that there are no reasonable grounds to believe that Maine Department of Corrections, Randall Liberty, Ryan Thornell, James Fine, Jascha Propp, Dana Bartone, or Dan Ritter retaliated against Earl Bieler for engaging in statutorily protected activity, and that the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

PA21-0339(A-C): Bradley Leeman (Jefferson) v. Tri-County Solid Waste (Union), David Stanley (Union) & Walt Tillson (Union). Attorney Susan Farnsworth and Complainant Bradley Leeman presented Complainant's position. Attorney Jonathan Brogan presented Respondents' position. Investigator Colin Hurd presented/answered Commissioner questions about the investigation and report. Commissioner David moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Tri County Solid Waste, David Stanley, or Walt Tillson retaliated against Complainant for engaging in statutorily protected activity, and that portion of the complaint should be dismissed in accordance with 5 M.R.S. §4612(2). 5 in favor | 0 opposed. Commissioner David moved, seconded by Commissioner Walker, to find that there are **reasonable grounds** to believe that Tri County Solid Waste, David Stanley, or Walt Tillson discriminated against Complainant on the basis of disability, and conciliation should be attempted on that portion of the complaint in accordance with 5 M.R.S. § 4612(3). 5 in favor | 0 opposed.

E21-0404: John Davis (Newburgh) v. Penobscot County Commissioners (Bangor). John Davis presented his position as the Complainant. Attorney John Hamer presented the position of the Respondent. Lead Investigator Jane O'Reilly presented/answered Commissioner questions about the investigation and report. Commissioner David moved, seconded by Commissioner Douglas, to find that there are no reasonable grounds to believe that Penobscot County Commissioners discriminated against John Davis on the basis of age and/or disability, and there are no reasonable grounds to believe that Penobscot County Commissioners retaliated against John Davis on the basis of engaging in MHRA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

H22-0297: Raymond Porelle Jr. (Wells) v. Lisa Warren (Wells). Respondent did appear; Complainant did not. Commissioner Dougals moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Lisa Warren discriminated against Raymond Porelle Jr on the basis of his receipt of public assistance and/or disability or retaliated against him for engaging in MHRA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. §4612(2). 5 in favor | 0 opposed.

At approximately 11:10 AM, the Commission took a brief recess.

EXECUTIVE SESSION

At approximately 11:20 AM., Commissioner Ashby moved, seconded by Commissioner O'Brien, 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). 5 in favor | 0 opposed.

** Indicates a case in which a "reasonable grounds" finding is recommended*

At approximately 11:50 AM, Commissioner Ashby moved, seconded by Commissioner Walker, to come out of Executive Session. 5 in favor | 0 opposed.

LITIGATION

Regarding reasonable-grounds cases in which conciliation was unsuccessful, Commissioner Ashby moved, seconded by Commissioner David, to not initiate court enforcement in any of the following matters:

- Fugere v. Patriot Mechanical (E20-0460);
- Hassan v Uber (E20-0466);
- Leonard v Walmart (PA20-0491);
- Bercowicz v. Maine Academy of Gymnastics (PA20-0518); and
- Correia v Bayview Apartments/Hutchison (H22-0222A/B).

5 in favor | 0 opposed.

Regarding reasonable-grounds cases in which litigation has commenced, Commissioner Ashby moved, seconded by Commissioner Dougals, to approve settlement in *Fagan v. St. Joseph's College* (H/ED/PA21-0319) and *Janelle v. Duperre, Williams, Simmons* (H20-0085A/B/C). 5 in favor | 0 opposed.

At approximately 12:00 PM, the meeting was adjourned.

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.

E21-0046*:	Jennifer Smith (Auburn) v. Dollar General (Auburn)	RG/NRG
E21-0366:	William Fenn (Jefferson) v. Bath Iron Works Corporation (Bath)	NRG
H22-0324:	Jessica Armstrong (Augusta) v. Sun Communities (Augusta)	NRG
H22-0334:	Mary Szczepaniak (Belfast) v. Belfast Birches (Rockport), Realty Resources (Rockport), (A-D) Joseph Cloutier (Rockport) & Linda Cloutier (Rockport)	NRG
H22-0365:	Heather Hider (Portland) v. Avesta Housing (Portland), Taylor Williams (Portland) & (A-C) Avesta Deering Place, LP (Portland)	NRG

TABLED

PA21-0054 (A-I): Jason Cummins (Warren) v. Maine Department of Corrections (Augusta), Well Path, LLC (Nashville, TN), Randall Liberty (Warren), Ryan Thornell (Charleston), Jess Johnson (Charleston), Kim Partridge (Charleston) & Jennifer Duffy-Vail (Charleston)

E22-0044: Malinda Caron (Whitefield) v. Lewiston Public Schools (Lewiston)

* Indicates a case in which a "reasonable grounds" finding is recommended