

STATE OF MAINE

Inter-Departmental Memorandum Date October 24, 1979

To Patricia E. Ryan

Dept. _____

m John Carnes

Dept. _____

Subject RE: Attached correspondence [REDACTED]

[REDACTED] should be advised that:

1. there is no judicial review of a "reasonable grounds" or "no reasonable grounds" finding by the Maine Human Rights Commission because Commission action lacks the requisite legal finality to render it ripe for judicial review; see Local #496, International Association of Bridge, Structural and Ornamental Iron Workers vs. Maine Human Rights Commission, Maine Superior Court Decision, November 22, 1978;
2. with regard to proceeding to Superior Court, she is not bound by the requirements and time limitations of the Administrative Procedures Act since 5 M.R.S.A. §11002 concerns proceedings for judicial review of "final agency action" as defined in 5 M.R.S.A. §8002(4), and which is not involved in action by the Maine Human Rights Commission;
3. she may proceed to file an action in Superior Court pursuant to the requirements of the Maine Human Rights Act, 5 M.R.S.A. §§4611, 4612(2), 4613(2)G, and 4621; in other words, following a "no reasonable grounds" determination by the Commission, Complainant may file an action in Superior Court any time within [REDACTED] from the date of alleged discrimination.