

By Mr. Hall, a petition (accompanied by bill, Senate, No. 91) of Robert A. Hall for legislation relative to the Massachusetts Commission Against Discrimination. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-one.

AN ACT RELATIVE TO THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 151B, Section 5A of the General Laws is amended
2 by inserting after Section Five the following new section: —

3 *Section 5A:* "In the event the Commission shall find, upon
4 all the evidence, that a respondent has not engaged in any such
5 unlawful practice or violation of such clause (e) of said sec-
6 tion thirty-two or said sections ninety-two A and ninety-eight,
7 the Commission shall, in addition to stating the findings of fact
8 and issuing and causing to be served on the complainant and
9 respondent an order dismissing the said complaint as to such
10 respondent, advise the respondent of said respondent's right to
11 file with the Commission, within 30 days following the service
12 of the complaint on respondent as aforesaid, a petition for
13 allowance to respondent by the Commission of costs and rea-
14 sonable attorneys' fees incurred in connection with the defense
15 of the proceedings by the respondent. Said petition shall be
16 accompanied by an affidavit, signed and sworn to by an agent
17 or officer of the respondent, as to the amount of said costs
18 (which shall include the cost of transcription of all proceed-
19 ings before the Commission relating to said respondent) and
20 the amount of reasonable attorneys' fees actually incurred by
21 respondent, to the date of said petition for costs and attorneys'
22 fees, in the defense of said proceedings, and the Commission
23 shall, within 30 days of its receipt of said petition, pay to the
24 respondent the total of costs and reasonable attorneys' fees so
25 petitioned for, provided, however, that the respondent em-

26 ploys under 100 persons, and provided further that the Com-
27 mission may refuse to make such payment if (a) in its judg-
28 ment the total of costs and attorneys' fees so petitioned for is
29 unreasonable and (b) the Commission, within 30 days after
30 receipt of such petition, files an action with the Superior Court
31 or Probate Court for the county in which the unlawful practice
32 was alleged to have occurred, protesting as unreasonable the
33 total amount of costs and attorneys' fees so petitioned for. The
34 Court shall, after hearing, determine the reasonableness of the
35 costs and attorneys' fees so petitioned for and shall direct the
36 Commission to pay such amounts as are so determined."