

By Mr. Flaherty of Cambridge, petition of Charles F. Flaherty, Jr., relative to making certain changes in the administrative procedures of the Massachusetts Commission Against Discrimination. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT MODIFYING THE ADMINISTRATIVE PROCEDURES OF 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 SECTION 1. Section 1 of chapter 151B of the General Laws
2 is hereby amended by inserting the following subsection: —

3 *Section 1 (15).* The term “complainant organization” means
4 any corporation, association or trust organized in whole or in
5 part for the purpose of combating discrimination or racism, or
6 of safeguarding civil liberties, or of promoting full, free or
7 equal employment opportunities.

1 SECTION 2. Section 5 of chapter 151B of the General Laws
2 is hereby amended by striking out the second sentence of the
3 first paragraph thereof and inserting in place thereof the fol-
4 lowing: —

5 The Attorney General, or a complainant organization, may,
6 in like manner, make, sign and file such complaint.

1 SECTION 3. Section 5 of chapter 151B of the General Laws
2 is hereby further amended by inserting at the end thereof the
3 following paragraph: —

4 A commissioner may, in his discretion, assign a member of
5 the commission staff to make investigation, to determine prob-
6 able cause, or to endeavor to eliminate unlawful practices by
7 conference, conciliation and persuasion. The chairman may, in
8 his discretion, assign a single commissioner to conduct a prelim-
9 inary hearing to review a finding of no probable cause, or to
10 conduct a hearing on the merits before the commission.

1 SECTION 4. Section 5 of chapter 151B of the General Laws
2 is hereby further amended by striking out the eleventh sen-
3 tence of the second paragraph thereof and inserting in place
4 thereof the following: -

5 If an investigating commissioner determines that probable
6 cause exists to credit the allegations of a complainant that a
7 respondent has refused to sell, rent or lease, or to negotiate in
8 the sale, rental, or leasing of, housing accommodations or
9 commercial space and if he determines that such respondent is
10 a non-resident of the commonwealth and cannot be personally
11 served with process in the commonwealth, such investigating
12 commissioner may file a petition in equity in the nature of an
13 in rem proceeding seeking appropriate injunctive relief against
14 such property with respect to which a complaint has been
15 made, including orders or decrees restraining and enjoining any
16 sale, rental, lease, or other disposition of such property which
17 would render it unavailable to the complainant pending the
18 final determination of proceedings under this chapter.

1 SECTION 5. Section 3 of chapter 151C of the General Laws
2 is hereby amended by adding at the end thereof the following
3 subsection: -

4 (k) A commissioner may, in his discretion, assign a member
5 of the commission staff to make investigation, to determine
6 probable cause, or to endeavor to eliminate unlawful practices
7 by conference, conciliation and persuasion. The chairman may,
8 in his discretion, assign a single commissioner to conduct a
9 preliminary hearing to review a finding of no probable cause,
10 or to conduct a hearing on the merits before the commission.

1 SECTION 6. Chapter 151B of the General Laws is hereby
2 further amended by inserting after section 5 the following
3 section: -

4 (5A). Any person claiming to be aggrieved by a violation of
5 this chapter or chapter one hundred fifty-one C, or any com-
6 plainant organization, shall have a cause of action for damages
7 and such other remedies as may be appropriate in the superior
8 court of the commonwealth within any county wherein the
9 violation is alleged to have occurred. PROVIDED that such

10 proceedings shall not be initiated sooner than ninety days after
11 the complaint of such person or such complainant organization
12 based on the alleged violation has been filed with the commis-
13 sion, that such proceedings shall not be initiated if the com-
14 mission has made a final disposition of such complaint, or that
15 such proceedings shall not be initiated if the alleged violation is
16 the subject of a charge pending under Title VII of the United
17 States Civil Rights Act of one thousand nine hundred sixty-
18 four, from time to time amended. The court shall have power
19 to grant such temporary relief or restraining order as it deems
20 just and proper, and all such proceedings shall be heard and
21 determined as expeditiously as possible and shall take prece-
22 dence over all other matters before it, except matters of like
23 nature. Upon institution of such action, the complaint before
24 the commission shall be terminated. Upon timely application,
25 the court may, in its discretion, permit the commission, and, if
26 he certifies that the case is of general public importance, the
27 Attorney General, to intervene in such proceedings.

28 Persons entitled to bring an action under the preceding
29 paragraph may, if the alleged violation or similar violations has
30 caused similar injury to other persons similarly situated and if
31 they adequately and fairly represent such other persons, bring
32 the action on behalf of themselves and such other similarly
33 injured and similarly situated persons. PROVIDED that the
34 court shall require that reasonable notice of the action be given
35 to such of the remainder of the class as can be practicably
36 identified and located. The action shall not be dismissed,
37 settled or compromised without the approval of the court, and
38 notice of any proposed dismissal, settlement or compromise
39 shall be given to all members of the class of petitioners in the
40 most effective practicable manner. Such proceedings may be
41 instituted even if only a single named petitioner has filed a
42 complaint with the commission based on the alleged violation,
43 or if the complaint was initiated by the commission. Such
44 proceedings may be instituted sooner than ninety days after
45 the filing of a complaint with the commission, if the commis-
46 sion certifies its permission in writing.

The following is a list of the names of the persons who were members of the Board of Directors of the Bank of Montreal in the year 1871.

1. Sir James Murray
 2. Sir John A. Macdonald
 3. Sir John Galt
 4. Sir John Rose
 5. Sir John Young
 6. Sir John Galt
 7. Sir John Rose
 8. Sir John Young
 9. Sir John Galt
 10. Sir John Rose
 11. Sir John Young
 12. Sir John Galt
 13. Sir John Rose
 14. Sir John Young
 15. Sir John Galt
 16. Sir John Rose
 17. Sir John Young
 18. Sir John Galt
 19. Sir John Rose
 20. Sir John Young