

Memo

Date: November 10, 2005
To: Patricia Ryan, Executive Director
From: John Gause, Commission Counsel
Re: Effective Date of Sexual Orientation Amendments to MHRA



The effective date of the sexual orientation amendments to the MHRA, Public Laws Chapter 10, will be 30 days after the Governor announces by public proclamation that the law was ratified in the statewide election. *See Me. Const. Art. 4, Part 3, § 17.* The Secretary of State's office has informed me that it usually takes them about 20 days after the election to certify the results for the Governor so that he can issue the proclamation. Therefore, it will be about 50 days after November 8th (approximately December 28th) before the effective date of the law.

In case we are asked, conduct cannot violate the sexual orientation provisions of the MHRA unless it occurs after the effective date of those provisions. This is because "all statutes will be considered to have a prospective operation only, unless the legislative intent to the contrary is clearly expressed or necessarily implied from the language used." *Greenvall v. Maine Mutual Fire Insurance Company*, 2001 ME 180, ¶ 7, 788 A.2d 165. The prospective application date is from the effective date. *See Dobson v. Quinn Freight Lines, Inc.*, 415 A.2d 814, 816 (Me. 1980) (citing a rule that "a retroactive statute is one which purports to determine the legal significance of acts or events that have occurred prior to the statute's effective date"); *Opinion of the Justices*, 460 A.2d 1341 (1982) (statute applies prospectively from date it becomes law). Here, Public Laws Chapter 10 does not contain any express indication addressing whether it will apply retroactively or prospectively. Accordingly, it applies prospectively from its effective date.