

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date June 27, 1975

To H. Sawin Millett, Jr., Comm. Dept. Educational & Cultural Serv.
From John W. Benoit, Jr., Deputy Dept. Attorney General
Subject What is considered a grant of State financial assistance under P.L. 1975, c. 153?

This is a reply to your inter-departmental memorandum dated June 19, 1975, asking whether subsidy payments, construction costs, special education funds, transportation funds and vocational education monies come within the meaning of language recently enacted by the Legislature, i.e.,

"No State agency or State related agency shall approve a grant of State financial assistance to any recipient who is engaged in discriminatory practices." 5 M.R.S.A. § 787, effective July 1, 1976.

We answer your question in the affirmative. When effective, 5 M.R.S.A. § 790 intends that the provisions of Chapter 65 of Title 5 be applicable to all State financed agencies, political subdivisions, quasi-independent agencies, school districts and instrumentalities of State government. The provisions of Chapter 65 do not pointedly define "a grant of State financial assistance." However, we believe the provisions of 5 M.R.S.A. § 781-790 should be given a broad construction in order to make the provisions of the code of fair practices and affirmative action as effective as possible.

JWB Jr./ec