

MAINE STATE LEGISLATURE

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JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

Education & Cultural Services
Civil Rights Education
20-1730-13755

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333
October 14, 1977

H. Sawin Millett, Commissioner
Department of Education and
Cultural Services
Augusta, Maine

Dear Commissioner Millett:

As you are aware, the 108th Legislature enacted the following provision concerning the obligation and responsibility of your Department in relation to various civil rights legislation:

"§3755. Compliance with federal and state laws and regulations.

"The Commissioner shall insure that any federal or state funds distributed to any school administrative unit are spent in compliance with:

"1. Revenue Sharing. Provisions of federal laws and regulations, Title 31 USCA, section 1242, as amended, and Part 51, chapter I of Subtitle B in Title 31 of the Code of Federal Regulations;

"2. Education Amendments. Title 9 of the Education Amendments of 1972, 20 USC § 1681 et seq., and Part 86 of Title 45 of the Code of Federal Regulations;

"3. Civil Rights Act. Title 6 of the Civil Rights Act of 1964, 42 USC 2000(d) and Part 80 of Title 45 of the Code of Federal Regulations;

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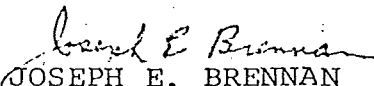
"4. Human Rights Act. Title 5, chapter 337 of the Maine Revised Statutes and the regulations promulgated pursuant to sections 4551 to 4631; and

"5. Code of Fair Practices and Affirmative Action. Title 5, sections 781 to 790 of the Maine Revised Statutes." 20 MRSA § 3755, P. L. 1977, c. 380.

The statutes and regulations listed in this law are the existing federal and state provisions prohibiting discrimination. It is my opinion that the substantive provisions of the statutes and regulations referred to are incorporated by reference into the Law of the State of Maine. Since §3755 had an effective date of July 1, 1977, it is important that you take steps to assure that state and/or federal educational monies are spent only where there is compliance with these provisions. The manner in which you secure such compliance is within your discretion as the Commissioner of the Department. It would be appropriate, though, for you to require each and every school administrative unit to file an assurance of compliance form with you as a condition for them to continue to receive federal and state funds from your Department.

My staff and I are willing to provide you with whatever assistance we can in developing questionnaires, assurance forms, complaint procedures and the like in order to assist you in your efforts to comply with the mandates of §3755.

Sincerely,


JOSEPH E. BRENNAN
Attorney General

JEB:we