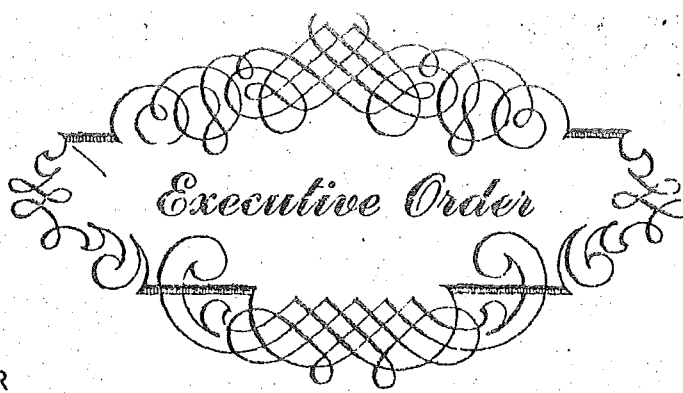


MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 11
DATE July 1, 1972

CODE OF FAIR PRACTICES

WHEREAS, the State of Maine, in spirit and in law, historically has striven to dedicate itself to a firm, humane policy of rooting out the evils of discrimination where they exist with regard to race, color, religious creed, sex, national origin, ancestry or age; and

WHEREAS, from time to time throughout Maine's history it has been necessary to review these policies, laws and administrative regulations with the intention of adapting them to the needs and problems of contemporary society; and

WHEREAS, with this in mind, the time has come for the promulgation of an Executive Order relating to fair practices with regard to race, color, religious creed, sex, national origin, ancestry or age and the reemphasis of the State of Maine's determination to eliminate discrimination where it exists;

NOW, THEREFORE, I KENNETH M. CURTIS, Governor of Maine, do hereby, under the power and authority vested in me as Governor, and in pursuit of Maine's basic policy against discrimination, promulgate a Code of Fair Practices which shall be followed throughout the Executive Branch of State government.

ARTICLE I - APPOINTMENT, ASSIGNMENT AND PROMOTION
OF STATE PERSONNEL

State officials and supervisory employees shall appoint, assign and promote State personnel on the basis of merit and fitness, without regard to race, color, religious creed, national origin, sex, ancestry or age. No State personnel shall be dismissed or in any way penalized on account of race, color, religious creed, sex, national origin, ancestry or age, except pursuant to a bona fide uniform retirement policy and in conformance to the personnel laws to the State of Maine.

ARTICLE II - STATE ACTION

In performing their service to the public, the agencies and individual employees of the State shall not discriminate because of race, color, religious creed, sex, national origin, ancestry or age, nor shall they authorize the use of State facilities in furtherance of discriminatory practices, or by any group or organization which discriminates in its membership or other policies on the basis of race, color, religious creed, sex, national origin, ancestry or age.

ARTICLE III - PUBLIC CONTRACTS

Every State contract for public works or for services shall incorporate by reference the following provisions: "During the performance of this contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religious creed, sex, national origin, ancestry or age. Such action shall include, but not be limited to the following: employment, upgrading, demotions, transfers, recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; and selection for training including apprenticeship.
2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religious creed, sex, national origin, ancestry or age.
3. The contractor will send to each labor union or representative of the workers with which he has a collective or bargaining agreement, or other contract or understanding, whereby he is furnished with labor for the performances of his contract, a notice, to be provided by the contracting department or agency, advising the said labor union or workers' representative of the contractors commitment under this section and shall post copies of the notice in conspicuous places available to employees and to applicants for employment."
4. The contractor will cause the foregoing provisions to be inserted in all contracts for any work covered by this agreement so that such provisions will be binding upon each subcontractor.

ARTICLE IV - STATE EMPLOYMENT SERVICES

Any State agency engaged in employment, referral and/or placement service for private industry or public agencies shall fill all job orders on a non-discriminatory basis, and shall decline any job order carrying a specification or limitation, as to race, color, religious creed, sex, national origin, ancestry or age unless it relates to a bona fide job requirement.

ARTICLE V - TRAINING FOR JOB OPPORTUNITIES

All educational and vocational-guidance counseling programs and all apprenticeship and on-the-job training programs conducted, supervised or funded by the State shall be conducted to encourage the fullest development of interest and aptitudes without regard to race, color, religious creed, sex, national origin, ancestry or age unless sex or age relates to a bona fide job requirement. In the event that any such programs are conducted in conjunction with private employers or private educational institutions, the supervising or contracting department or agency shall insure that the provisions of Article III and this part of the Executive Order are complied with fully by such private employer or private educational institution.

ARTICLE VI - STATE FINANCIAL ASSISTANCE

No State agency shall approve a grant of State financial assistance to any recipient who is engaged in discriminatory practices. All recipients of State financial assistance shall submit to the Maine Human Rights Commission, at its request, information relating to the recipients operations, with regard to race, color, religious creed, sex, national origin, ancestry or age. Such information shall be furnished on a form to be prescribed by the Maine Human Rights Commission.

ARTICLE VII - OTHER GOVERNMENTAL BODIES

All political subdivisions, school districts and instrumentalities of government are requested to cooperate in this endeavor to the end that any and all discrimination within the State if eliminated.


ARTICLE VIII - COOPERATION WITH THE MAINE HUMAN RIGHTS COMMISSION

All State agencies, in accordance with the provisions and intent of the State Constitution and the State's laws against discrimination shall cooperate fully with the Maine Human Rights Commission and duly comply with its requests and recommendations for effectuating the State's policy against discrimination.

Any State agency receiving a complaint of discrimination based on race, color, religious creed, sex, national origin, or age shall promptly advise the Maine Human Rights Commission.

ARTICLE IX - POSTING OF THE EXECUTIVE ORDER

Copies of this Executive Order shall be distributed immediately to all State departments and agencies. All departments and agencies shall immediately display in prominent locations in their offices and facilities, particularly those locations to which the public has access.


Kenneth M. Curtis
Governor