

# MAINE STATE LEGISLATURE

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OFFICE OF  
THE GOVERNOR

NO. 1 FY - 74 - 75  
DATE Feb. 4, 1975

WHEREAS, the State of Maine, in spirit and in law, historically has opposed discrimination where it exists with regard to race, creed, color, sex, national origin, ancestry, age or physical handicap; and

WHEREAS, from time to time, 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, in 1971, the Maine Legislature enacted the Human Rights Act and in 1974 Maine became the thirty-first state to ratify the Equal Rights Amendment; and

WHEREAS, the passage of the Equal Employment Opportunity Act of 1972, mandated that state and local governments be subject to the provisions of the Civil Rights Act of 1964; and

WHEREAS, the EEO-4 statistics for 1974 suggest under-utilization of women and minorities in non-traditional classifications in state service;

NOW, THEREFORE, I JAMES B. LONGLEY, do hereby, under the power vested in me as Governor, and in pursuit of the goals of Equal Employment Opportunity and in support of the necessity for Affirmative Action, direct that such Affirmative Action, as set forth in this order, be followed throughout the Executive Branch of the Government of the State of Maine.

#### ARTICLE I -- DEFINITION OF AFFIRMATIVE ACTION

An Affirmative Action Program includes procedures designed to increase the numbers of qualified minorities and women at all levels and in all segments where imbalances exist. Such a program should include an assessment of existing practices and the development of realistic goals and timetables for corrective action. These goals and related procedures cannot be rigid quotas, but rather reasonable targets which are, with a good faith effort, attainable.

Affirmative action reinforces merit concepts by assuring that all segments of our population have an equal opportunity for employment into and advancement within state service according to their ability and merit. This can be accomplished partly by breaking down barriers

which may exist such as limited recruiting efforts for job openings, job requirements which have a disparate effect on one group or another, tests which lack adequate validity, and insufficient opportunities for promotion; and partly through positive action programs of professional development in such personnel practices, as recruiting, selection, promotion, transfer, layoff, return from layoff, termination, training and educational leave.

#### ARTICLE II -- APPOINTMENT, ASSIGNMENT, AND PROMOTION OF PERSONNEL

State officials and supervisory employees shall appoint, assign and promote state personnel on the basis of qualifications, merit, and capability without regard to race, creed, color, sex, national origin, ancestry, age or physical handicap except where sex or age is a bona fide occupational qualification. All other personnel actions shall be administered in a non-discriminatory manner. The Affirmative Action Officer which has been designated for each department or agency shall be placed in the organizational structure so that he or she will have direct access to the appointing authority. Each department or agency shall prepare and update their Affirmative Action program in accordance with the criteria set forth by the State Department of Personnel.

#### ARTICLE III - STATE ACTION AND PUBLIC CONTRACTS

In performing their service to the public, departments, agencies and individual employees shall not discriminate on the basis of race, creed, color, sex, national origin, ancestry, age, or physical handicap; nor shall they authorize the use of state facilities in the furtherance of discriminatory practices, or by any group or organization which so discriminates in its membership or other policies. Similarly, no state contractor, subcontractor, labor union or employee representative with which the contractor has an agreement will discriminate unless such exclusion of one group is based on a bona fide occupational qualification. State agencies may withhold financial assistance on any public contract if the recipient is clearly in violation of the Maine Human Rights Act or the Civil Rights Act of 1964. State agencies shall refuse any order carrying a specification or limitation regarding race, creed, color, sex, marital status, national origin, ancestry, age or physical handicap unless related to a bona fide job requirement.

#### ARTICLE IV - STATE DEPARTMENT OF PERSONNEL

The State Department of Personnel shall take positive steps to insure that the entire examination and testing process, including the development of job specifications and employment qualifications are free from discrimination, either conscious or inadvertent. Furthermore, the Department of Personnel will have the initial responsibility of resolving conflicts and complaints, changing administrative procedures when necessary and providing assistance in the preparation and implementation of Affirmative Action Programs.

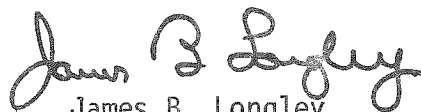
#### ARTICLE V -- MAINE HUMAN RIGHTS COMMISSION

All Affirmative Action plans, new, revised, or updated shall be subject to the review and comment of the Equal Employment Opportunity

Specialist of the State Department of Personnel and the Maine Human Rights Commission. All powers and duties granted to the Maine Human Rights Commission under Title 5 M.R.S.A., s 4551, et. seg., as amended, apply to this code.

ARTICLE VI -- 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 copies in prominent locations in their offices and facilities.



James B. Longley  
Governor