

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

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H. P. 1264

House of Representatives, June 12, 1969

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BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Establishing a Human Rights Commission.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 5, part 9, additional. Title 5 of the Revised Statutes is amended by adding a new part 9, to read as follows:

PART 9

HUMAN RIGHTS

CHAPTER 313

HUMAN RIGHTS ACT

SUBCHAPTER I

GENERAL PROVISIONS

§ 4551. Title

This Act may be known and cited as the Maine Human Rights Act.

§ 4552. Purpose

The people of the State of Maine recognize that the inherent dignity and the equal inalienable rights of all members of the human family are the foundation of freedom, justice and peace in our State. Disregard and contempt for human rights in our time resulted in barbarous and violent acts which have outraged the conscience of mankind, and the advent of a world in which human rights and dignity are protected is a major aspiration of our people and to insure to all residents and visitors to our State the equal rights and protection as outlined in the Constitution of the United States, the Constitution of Maine and the Federal Civil Rights Acts and the laws of Maine.

§ 4553. Policy

To protect the public health, safety, and welfare, it is therefore declared to be the policy of this State to keep continually in review all practices infringing on the basic human rights to a life with dignity, and the causes of such practices so that corrective measures may, where possible, be promptly recommended.

**SUBCHAPTER II
COMMISSION****§ 4561. Members**

There is established an independent commission to be known as the "Maine Human Rights Commission." It shall consist of a total of 7 members appointed by the Governor. The Governor shall designate one member to be its chairman.

In appointing members of the commission, the Governor shall take into account the desirability of securing broad representation from the geographic areas and ethnic and economic groups which comprise the population of the State.

§ 4562. Terms of office

The members of the commission shall be appointed for terms of 4 years each, except that of those first appointed, the Governor shall designate one whose term shall be only one year, one whose term shall be only 2 years, and one whose term shall be only 3 years.

A member of the commission appointed to fill a vacancy occurring otherwise than by expiration of term shall be appointed only for the unexpired term of the member whom he shall succeed.

§ 4563. Quorum

Three members of the full commission shall constitute a quorum of the commission. A vacancy shall not impair the power of the remaining members to exercise all the powers of the commission.

§ 4564. Compensation; reappointment

Each member of the commission shall receive compensation of \$25 for each day or part thereof necessarily spent in the discharge of his official duties, with a maximum of \$1,000 a year, and shall be entitled to his expenses actually and necessarily incurred by him in the performance of his duties. All members of the commission shall be eligible for reappointment.

§ 4565. Removal from office

Any member of the commission may be removed by the Governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard publicly thereon, with right of cross-examination, before the Executive Council. Such removal shall be effective only if $\frac{2}{3}$ of the Executive Council concurs therein after such hearing.

§ 4566. Powers and duties of the full commission

The commission has the duty of investigating all conditions and practices within the State which allegedly detract from the enjoyment, by each inhabitant of the State, of full human rights and personal dignity. Without limiting the generality of the foregoing, it has the duty of investigating all forms of invidious discrimination, whether carried out legally or illegally, and whether by public agencies or private persons. Based on its investigations, it has the further duty to recommend measures calculated to promote the full enjoyment of human rights and personal dignity by all the inhabitants of this State. To carry out these duties, the commission shall have the power:

1. **Office.** To establish and maintain a principal office in the City of Bangor or Portland, and such other offices within the State as it may deem necessary;
2. **Meetings.** To meet and function at any place within the State;
3. **Executive secretary.** To appoint an executive secretary to the commission and determine his remuneration; and to appoint such other personnel including, but not limited to investigators, attorneys and secretaries, as it shall deem necessary to effectuate the purposes of this Act, and to determine their compensation;
4. **Hearings.** To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and, in connection therewith, to require the production for examination of any books and papers relating to any matter under investigation or in question before the commission; there shall be no executive privilege in such investigations and hearings. Such hearings and testimony may relate to general investigations concerning the effectiveness of this Act and the existence of practices of discrimination not prohibited by it, as well as to investigations of other alleged infringements upon human rights and personal dignity. The commission may make rules as to the issuance of subpoenas, the administration of oaths, and the holding of preliminary and general investigations by panels of commissioners and by the executive secretary. Contumacy or refusal to obey a subpoena or subpoena duces tecum issued pursuant to this section shall constitute a contempt punishable, upon the application of the commission, by the Superior Court in the county in which the hearing is held or in which the witness resides or transacts business;
5. **Appearance.** To appear in court and before other administrative bodies by its own attorneys;
6. **Services.** To utilize voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed.
7. **Advisory groups.** To create such advisory agencies and conciliation councils, local or statewide, as will aid in effectuating the purposes of this Act. The commission may itself, or it may empower these agencies and councils to study the problems of discrimination in all or specific fields of human relationships when based on race or color, religion or country of ancestral origin, and foster, through community effort or otherwise, good will

among the groups and elements of the population of the State. Such agencies and councils may make recommendations to the commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses;

8. **Publications.** To issue such publications and such results of investigations and research as in its judgment will tend to promote good will, and minimize or eliminate discrimination based on race or color, religion or country of ancestral origin;

9. **Reports.** From time to time, but not less than once a year, to report to the Legislature and the Governor, describing the investigations, proceedings, and hearings the commission has conducted and their outcome, and the other work performed by it, and make recommendations for such further legislation or executive action concerning abuses and discrimination based on race or color, religion or country of ancestral origin, or other infringements on human rights or personal dignity, as may be desirable;

10. **Educational program.** In order to eliminate prejudice among the various ethnic groups in this State and to further good will among such groups and to advance the realization of human rights and personal dignity, the commission and the Department of Education are jointly directed to prepare a comprehensive educational program designed for the students of the public schools of this State and all other residents thereof, calculated to emphasize the contributions of minority groups to American history and development, and to explain the nature and origin of prejudice and its incompatibility with American principles of equality and fair play.

11. **Contributions.** The commission is authorized to accept contributions from any person to assist in the effectuation of subsection 10 and may seek and enlist the cooperation of private, charitable, religious, civic and benevolent organizations for the purposes of subsection 10.

SUBCHAPTER III MISCELLANEOUS

§ 4571. Burden of proof

In any proceeding and in any civil action under this Act, the burden shall be on the person seeking relief to prove, by a fair preponderance of the evidence, that the alleged unlawful discrimination occurred.

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$6,500 for the fiscal year ending June 30, 1970 and the sum of \$12,500 for the fiscal year ending June 30, 1971 to carry out the purposes of this Act. The breakdown shall be as follows:

MAINE HUMAN RIGHTS COMMISSION

1969-70 1970-71

Personal Services
All Other
Capital Expenditures

Sec. 3. Effective date. This Act shall become effective January 1, 1970.