

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1209

S. P. 404

In Senate, March 10, 1981

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator C. Sewall of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning State Contracts for Firms Violating the Maine Human Rights Act.

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

Sec. 1. 5 MRSA § 784, sub-§ 1, as enacted by PL 1975, c. 153, § 1, is amended by adding at the end a new paragraph to read:

State agencies shall withhold financial assistance for a period of one year from any recipient with respect to whom the Maine Human Rights Commission has found reasonable grounds to believe has engaged in unlawful discrimination, who has exhausted his administrative remedies. This prohibition shall begin on the date of the commission's final finding and may be lifted if the recipient demonstrates to the satisfaction of the commission that the violation has been cured and the recipient is in full compliance with all provisions of the Maine Human Rights Act.

Sec. 2. 5 MRSA § 784, sub-§ 2, ¶ D, as enacted by PL 1975, c. 153, § 1, is amended by adding at the end a new paragraph to read:

State agencies shall withhold additional contracts for a period of one year from any contractor with respect to whom the Maine Human Rights Commission has found reasonable grounds to believe has engaged in unlawful discrimination, who has exhausted his administrative remedies. This prohibition shall begin on the date of the commission's final finding or the date of completion of the first

contract, whichever is later, and may be lifted if the contractor demonstrates to the satisfaction of the commission that the violation has been cured and the contractor is in full compliance with all provisions of the Maine Human Rights Act.

STATEMENT OF FACT

As currently written, the Code of Fair Practices and Affirmative Action contains no effective mechanism for enforcing its own prohibition against discrimination. The bill provides this mechanism in a fair and reasonable manner. Recipients of state funds can avoid being penalized simply by ensuring that they do not discriminate illegally.

This bill applies only to businesses and other organizations funded by the State.