

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 2032

7 S. P. 886 In Senate, February 24, 1982
Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

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

8 MAY M. ROSS, Secretary of the Senate
Presented by Senator Clark of Cumberland.

Cosponsors: Representative Masterton of Cape Elizabeth, Repre-
sentative Murphy of Kennebunk, and Senator Ault of Kennebec.

9
10 STATE OF MAINE
11

12 IN THE YEAR OF OUR LORD
13 NINETEEN HUNDRED AND EIGHTY-TWO
14

15 AN ACT Amending the Code of Fair Practices
16 and Affirmative Action.
17

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

19 Sec. 1. 5 MRSA c. 65, as enacted by PL 1975, c. 153,
20 §1, is repealed.

21 Sec. 2. 5 MRSA c. 65-A is enacted to read:

22 CHAPTER 65-A

23 CODE OF FAIR PRACTICES AND

24 AFFIRMATIVE ACTION

25 §801. Code of Fair Practices and Affirmative Action

26 The State of Maine is an equal opportunity employer and
27 as such will require each state agency, each employer
28 receiving a grant of state money and each employer contract-

1 ing with the State to implement an affirmative action pro-
2 gram.

3 §802. Definitions

4 As used in this chapter, unless the context clearly
5 indicates otherwise, the following terms have the following
6 meanings:

7 1. Affirmative action. "Affirmative action" means an
8 employment procedure designed to increase the numbers of
9 minorities and women in all segments of an employer's labor
10 force where an imbalance exists.

11 2. Affirmative action plan. "Affirmative action plan"
12 means a written document which includes a statistical analy-
13 sis of the employer's labor force, the recruitable available
14 labor force, measurable goals, timetables and procedures
15 intended to achieve affirmative action.

16 3. Commission. "Commission" means the Maine Human
17 Rights Commission.

18 4. Imbalance. "Imbalance" means a representation of
19 minorities and women in an employer's labor force at less
20 than what should reasonably be expected as determined by a
21 statistical analysis of the employer's labor force and the
22 recruitable available labor force.

23 5. State agency. "State agency" means any entity of
24 State Government including, but not limited to, political
25 subdivisions, school districts, quasi-independent agencies
26 and other instrumentalities of State Government.

27 §803. Rules

28 The commission shall, in accordance with the Maine
29 Administrative Procedure Act, chapter 375, adopt rules
30 necessary to effectuate the purposes of this chapter.

31 Regulations so promulgated shall include, but not be
32 limited to, standards and criteria for an affirmative action
33 plan. The regulations shall be consistent with federal re-
34 quirements for affirmative action to the extent that the
35 consistency promotes the purposes of this chapter.

36 §804. Compliance by state agencies

37 Each year each state agency shall adopt and file with
38 the commission an affirmative action plan in compliance with

1 regulations promulgated pursuant to this chapter. No more
2 than 30 days after filing pursuant to this section the com-
3 mission shall serve notice upon the filing agency stating
4 that it has complied with the regulations or stating the
5 deficiencies in its affirmative action plan as determined by
6 the commission staff.

7 Any state agency which receives notice of deficiency
8 shall revise its affirmative action plan to comply with the
9 regulations within 30 days of receipt of the notice.

10 §805. Compliance by grant recipients; contractors

11 After July 1, 1983, no authority of the State may
12 execute a contract or grant agreement until he has received
13 notice from the commission that the grant recipient or con-
14 tractor has filed an affirmative action plan with the com-
15 mission and that the plan has been found to be in compliance
16 with regulations promulgated pursuant to this chapter. No
17 more than 30 days after an affirmative action plan is filed
18 pursuant to this chapter, the commission shall notify the
19 person filing the plan and the state agency from which the
20 person will be receiving a grant or a contract whether or
21 not the plan has been found to be in compliance with regula-
22 tions adopted pursuant to this chapter.

23 No more than 90 days after the effective date of this
24 Act, each state agency which executes grants and contracts
25 shall notify the commission of the process that the agency
26 will utilize to assure compliance with this chapter, includ-
27 ing, but not limited to, amendments to existing policies and
28 regulations according to which grants and contracts are
29 awarded.

30 Sec. 3. 5 MRSA §4572, sub-§1, ¶F is enacted to read:

31 F. For any employer required to prepare and file an
32 affirmative action plan pursuant to chapter 65-A to fail or
33 refuse to implement the provisions of that plan.

34 Sec. 4. Appropriation. The following funds shall be
35 appropriated from the General Fund to carry out the purposes
36 of this Act.

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1982-83

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MAINE HUMAN RIGHTS COMMISSION

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Positions

(1 1/2)

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Personal Services

\$30,000

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STATEMENT OF FACT

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This bill repeals the existing Code of Fair Practices and Affirmative Action and enacts a new version in its place that clearly grants authority to the Maine Human Rights Commission to promulgate regulations concerning affirmative action programs in employment. Federal affirmative action enforcement may soon be transferred to the states. This bill will allow the state to continue to enforce affirmative action programs.

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