

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1091

6
7 H.P. 841

House of Representatives, March 7, 1983

8 Referred to the Committee on Education. Sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Benoit of So. Portland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Insure State Enforcement of
18 Equal Opportunity in State-supported
19 Educational Programs.
20

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

23 Sec. 1. 5 MRSA §4553, sub-§2-A is enacted to
24 read:

25 2-A. Educational institution. "Educational
26 Institution" includes any public preschool, elemen-
27 tary or secondary school, college, university, school
28 administrative district, community school district,
29 school union or municipal school and their governing
30 bodies.

31 Sec. 2. 5 MRSA §4553, sub-§10, as enacted by PL
32 1971, c. 501, §1, is amended to read:

1 10. Unlawful discrimination. "Unlawful discrimi-
2 nation" includes:

3 A. Unlawful employment discrimination as defined
4 and limited by subchapter III;

5 B. Unlawful housing discrimination as defined
6 and limited by subchapter IV;

7 C. Unlawful public accommodations discrimination
8 as defined by subchapter V;

9 D. Aiding, abetting, inciting, compelling or
10 coercing another to do any of such types of
11 unlawful discrimination; obstructing or prevent-
12 ing any person from complying with this Act or
13 any order issued hereunder in this subsection;
14 attempting to do any act of unlawful discrimina-
15 tion; and punishing or penalizing, or attempting
16 to punish or penalize, any person for seeking to
17 exercise any of the civil rights declared by this
18 Act or for complaining of a violation of this Act
19 or for testifying in any proceeding brought here-
20 under in this subsection; and

21 E. In determining whether any person is acting
22 as an agent or employee of another person so as
23 to make such other person responsible for his
24 acts, the question of whether the specific acts
25 performed were actually authorized or subse-
26 quently ratified shall not be controlling; and

27 F. Unlawful educational discrimination as de-
28 defined and limited by subchapter V-B.

29 Sec. 3. 5 MRSA c. 337, sub-c. V-B is enacted to
30 read:

31 SUBCHAPTER V-B

32 EDUCATIONAL OPPORTUNITY

33 §4601. Right to freedom from discrimination in edu-
34 cation

35 The opportunity for an individual to participate
36 in all educational, counseling and vocational guid-

1 ance programs and all apprenticeship and on-the-job
2 training programs without discrimination because of
3 sex is recognized and declared to be a civil right.

4 §4602. Unlawful educational discrimination

5 1. Unlawful education. It shall be unlawful
6 educational discrimination in violation of this Act,
7 to, on the basis of sex:

8 A. Exclude a person from participation in, deny
9 a person the benefits of, or subject a person to
10 discrimination in any academic extracurricular,
11 research, occupational training or other program
12 or activity except athletic programs;

13 B. Deny a person comparable opportunity in
14 intramural and interscholastic athletic programs;

15 C. Apply any rule concerning the actual or
16 potential family or marital status of a person,
17 or to exclude any person from any program or ac-
18 tivity or employment because of pregnancy or
19 related conditions dependent upon a physician's
20 diagnosis and certification;

21 D. Deny admission to any educational institution
22 or program or to fail to provide equal access to
23 and knowledge about an institution or program
24 through recruitment programs; or

25 E. Deny scholarship availability and oppor-
26 tunity.

27 It is not a violation of this paragraph to pro-
28 vide sex-segregated scholarships provided there
29 is an equal number of comparable scholarships for
30 both sexes.

31 Sec. 4. Appropriation. The following funds are
32 appropriated from the General Fund to carry out the
33 purposes of this Act.

34 1983-84 1984-85

35 MAINE HUMAN RIGHTS COMMISSION

1	Positions	(1)	(1)
2	Personal Services	\$18,000	\$18,000
3	All Other	<u>3,500</u>	<u>5,500</u>
4	Total	\$21,500	\$23,500

5 STATEMENT OF FACT

6 The purpose of this bill is to eliminate discrim-
7 inatory practices in state educational institutions
8 and programs, and thereby to recognize the benefit to
9 the State and the Nation of equal educational oppor-
10 tunities for all students.

11 This bill permits sex-segregated athletic activi-
12 ties to continue provided there are comparable oppor-
13 tunities available for both sexes. It also permits
14 sex-segregated scholarships to continue as long as
15 comparable number and dollar amount are available for
16 both sexes. This bill does not prohibit any educa-
17 tional institution from maintaining separate toilet
18 facilities, locker rooms or living facilities for
19 different sexes so long as comparable facilities are
20 provided for each.

21 As an addition to the Maine Human Rights Act,
22 Title 5, chapter 337, subchapter V-B of this Act, on
23 educational opportunity, will be enforced by the same
24 procedures as other provisions of the Act. The
25 appropriation in this bill is to provide for one
26 staff person and appropriate fringe benefits and
27 travel.

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