

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1327

8 H.P. 925

House of Representatives, April 16, 1985

9 Submitted by the Department of Human Services pursuant to Joint Rule
10 24.

11 Referred to the Committee on Judiciary. Sent up for concurrence and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Brodeur of Auburn.

12 Cosponsored by Representative Melendy of Rockland, Representative
Taylor of Camden and Senator Gill of Cumberland.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT Relating to a Grievance Procedure
19 Concerning Discrimination on the Basis
20 of Handicap.
21

22 **Emergency preamble.** Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, federal law requires that recipients of
26 certain federal funds adopt a grievance procedure for
27 people alleging discrimination on the basis of handi-
28 cap, which is prohibited by United States Code, Title
29 29, Section 794; and

30 Whereas, failure of recipient state agencies to
31 adopt a grievance procedure, which failure consti-
32 tutes noncompliance with United States Code, Title
33 29, Section 794, can result in federal fiscal sanc-
34 tions and in lawsuits by aggrieved citizens based on
35 the agencies' failure to comply; and

1 Whereas, it is important for the State to insti-
2 tute a grievance procedure to avoid noncompliance
3 sanctions and to afford aggrieved citizens their
4 right to grieve; and

5 Whereas, in the judgment of the Legislature,
6 these facts create an emergency within the meaning of
7 the Constitution of Maine and require the following
8 legislation as immediately necessary for the preser-
9 vation of the public peace, health and safety; now,
10 therefore,

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

13 22 MRSA §42-B is enacted to read:

14 §42-B. Adoption of a grievance procedure concerning
15 discrimination on the basis of handicap

16 The commissioner may adopt rules pursuant to Ti-
17 tle 5, subchapter II, to create a grievance procedure
18 applicable to all bodies of State Government in ac-
19 cordance with 45 Code of Federal Regulations, Section
20 84.7. To the extent that a grievance procedure
21 adopted under this section conflicts with a grievance
22 procedure otherwise adopted by a state agency to com-
23 ply with 45 Code of Federal Regulations, Section
24 84.7, the procedure adopted under this section shall
25 control.

26 Emergency clause. In view of the emergency cited
27 in the preamble, this Act shall take effect when ap-
28 proved.

1

STATEMENT OF FACT

2 This bill allows the Commissioner of Human Ser-
3 vices to promulgate a uniform grievance procedure to
4 comply with the Federal Rehabilitation Act of 1973,
5 as amended, and its accompanying regulations. This
6 represents the final step for most state agencies in
7 their efforts to bring agency practices into line
8 with requirements of the rehabilitation act.

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