

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

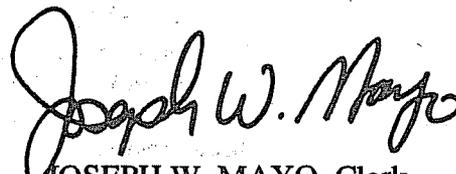
No. 1384

H.P. 1032

House of Representatives, April 30, 1993

An Act to Strengthen the Enforcement of the Civil Rights and Sexual Harassment Laws.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative TOWNSEND of Portland.
Cosponsored by Representative RAND of Portland and
Representatives: BRENNAN of Portland, CASHMAN of Old Town, DORE of Auburn,
FITZPATRICK of Durham, HOGLUND of Portland, JOHNSON of South Portland, JOSEPH of
Waterville, KILKELLY of Wiscasset, PARADIS of Augusta, PENDLETON of Scarborough,
ROWE of Portland, YOUNG of Limestone, Senators: AMERO of Cumberland, McCORMICK
of Kennebec, PARADIS of Aroostook, PINGREE of Knox.

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

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3 Sec. 1. 5 MRSA §784, sub-§2, as amended by PL 1991, c. 807,
4 §1, is further amended to read:

6 2. **Public contracts.** Every state or state--related
7 state-related agency contract for public works or for services
8 shall must incorporate by reference the following provisions:
9 "During the performance of this contract, the contractor agrees
10 as follows.

12 A. The contractor will not discriminate against any
13 employee or applicant for employment because of race, color,
14 religious creed, sex, national origin, ancestry, age,
15 physical handicap or mental handicap. Such action shall
16 ~~include~~ includes, but is not be limited to, the following:
17 Employment employment, upgrading, demotions, transfers,
18 recruitment or recruitment advertising; layoffs or
19 terminations; rates of pay or other forms of compensation;
20 and selection for training, including apprenticeship.

22 B. The contractor will, in all solicitations or
23 advertisements for employees placed by or on behalf of the
24 contractor, state that all qualified applicants will receive
25 consideration for employment without regard to race, color,
26 religious creed, sex, national origin, ancestry, age,
27 physical handicap or mental handicap.

28 C. The contractor will send to each labor union or
29 representative of the workers with which he the contractor
30 has a collective or bargaining agreement, or other contract
31 or understanding, ~~whereby--he~~ by which the contractor is
32 furnished with labor for the performances of his the
33 contract, a notice, to be provided by the contracting
34 department or agency, advising the said labor union or
35 workers' representative of the contractor's commitment under
36 this section and shall post copies of the notice in
37 conspicuous places available to employees and to applicants
38 for employment.

39 C-1. If the Maine Human Rights Commission finds a sexual
40 harassment violation has occurred within the contractor's
41 company during the life of the contract, the contractor will
42 provide at least 4 hours of training to all employees using
43 a curriculum approved by the Maine Human Rights Commission.

44 D. The contractor will cause the foregoing provisions to be
45 inserted in all contracts for any work covered by this
46 agreement so that such provisions will be binding upon each
47 subcontractor.
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E. Contractors and subcontractors with contracts in excess of \$50,000 will also pursue in good faith affirmative action programs."

Before the State may approve a contract, the prospective contractor must certify that the Maine Human Rights Commission has not found that a civil rights or sexual harassment violation has occurred within the contractor's company during the 2 years preceding the proposed contract and that the prospective contractor has an affirmative action policy. If a civil rights violation has been found within the contractor's company within the 2 years preceding the proposed contract, the company must compose and file with the Maine Human Rights Commission an affirmative action plan along with a timetable for its implementation. If a sexual harassment violation has been found within the contractor's company within the 2 years preceding the proposed contract, the State may not enter into a contract with that contractor unless the contractor demonstrates that sexual harassment training has been provided to all of the company's employees. The curriculum for the training must have prior approval of the Maine Human Rights Commission and must be at least 4 hours long for each employee. If the company has provided this training within the previous 12 months, the training requirement may be waived.

STATEMENT OF FACT

This bill requires the State to examine the civil rights and sexual harassment records of companies with which the State proposes to enter into a contract.