

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 974

H.P. 755

House of Representatives, February 20, 2001

**An Act to Create the Civil Rights in Public Employment, Education and Contracting Act.**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative WATERHOUSE of Bridgton.  
Cosponsored by Senator DAVIS of Piscataquis and  
Representative BUCK of Yarmouth.

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

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4           **Sec. 1. 1 MRSA c. 33** is enacted to read:

6                           CHAPTER 33

8                           CIVIL RIGHTS IN PUBLIC EMPLOYMENT,  
9                           EDUCATION AND CONTRACTING ACT

10          §2901. Short title

12                   This chapter may be known and cited as the "Civil Rights in  
13                   Public Employment, Education and Contracting Act."

14          §2902. Definition

16                   As used in this chapter, unless the context otherwise  
17                   indicates, "State" means the State of Maine or any office,  
18                   department, agency, authority, commission, board, institution,  
19                   hospital or other instrumentality of the State, including the  
20                   Maine Turnpike Authority, the University of Maine System, the  
21                   Maine Technical College System and the Maine State Retirement  
22                   System, and any subdivision of the State including any city,  
23                   town, plantation, county and special purpose district including  
24                   any water district, sanitary district and school administrative  
25                   unit.

26          §2903. Prohibition

28                   Notwithstanding any other law, the State may not  
29                   discriminate against, or grant preferential treatment to, any  
30                   person on the basis of race, sex, color, ethnicity or national  
31                   origin in public employment, public education or public  
32                   contracting.

33          §2904. Interpretation

34                   1. Bona fide qualifications; federal funding. This chapter  
35                   does not prohibit:

36                   A. The application of bona fide qualifications based on sex  
37                   that are reasonably necessary to the normal operation of  
38                   employment, education or contracting by the State; or

39                   B. Any action that must be taken to establish or maintain  
40                   eligibility for federal programs if ineligibility would  
41                   result in a loss of federal funds to the State.

42                   2. Court order. This section does not invalidate any court  
43                   order or consent decree in force on the effective date of this  
44                   chapter.

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**§2905. Remedies**

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Violation of this chapter is a violation of the Maine Human Rights Act, and a person who has been injured by a violation of this chapter is entitled to the same remedies as a person injured by a violation of the Maine Human Rights Act.

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**SUMMARY**

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This bill prohibits the State and its subdivisions and instrumentalities from discriminating against or granting preferential treatment to any person in the operation of public employment, education or contracting on the basis of race, sex, color, ethnicity or national origin.

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