

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

ards and preferences, terms, conditions, limitations or specifications for the granting of such loans or financial assistance which are not based on the race, color, sex, physical handicap, religion or country of origin, the receipt of public assistance payments of the applicant for such loan or financial assistance or, of any existing or prospective owner, lessee, tenant or occupant of such housing accommodation.

Effective October 1, 1975

CHAPTER 152

AN ACT Providing Compensation for Members of Inland Fisheries and Game Advisory Council.

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

12 MRSA § 1955, 4th sentence, is amended to read:

The members of the advisory council shall receive ~~no compensation~~ \$25 per diem for their services, ~~but~~ and said council shall be allowed actual expenses not to exceed \$2,000 for each fiscal year.

Effective October 1, 1975

CHAPTER 153

AN ACT Establishing the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financed Agencies.

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

Sec. 1. 5 MRSA c. 65 is enacted to read:

CHAPTER 65

CODE OF FAIR PRACTICES AND AFFIRMATIVE ACTION

§ 781. Code of Fair Practices and Affirmative Action

The State of Maine is an equal opportunity employer and as such will require all its agencies to pursue in good faith affirmative action programs.

§ 782. Definition of affirmative action

An affirmative action program includes procedures designed to increase the numbers of minorities and women at all levels and in all segments of the work force where imbalances exist. Such a program should include an assessment of the existing situation, and the development of realistic goals for necessary action. These goals and related procedures and timetables should not require rigid quotas, but are commitments which an employer should make every good faith effort to achieve.

§ 783. Appointment, assignment and promotion of personnel

Officials and supervisory employees shall appoint, assign and promote personnel on the basis of merit and fitness, without regard to race, color, religious creed, national origin, sex, ancestry, age or physical handicap, unless related to a bona fide occupational qualification. Each appointing authority shall designate an equal opportunity officer. The officer must be so placed within the agency's organizational structure that he or she shall have direct access to the appointing authority. Each department or agency shall prepare an affirmative action program for that department or agency in accordance with criteria set forth by the State Department of Personnel.

§ 784. State action and contracts

1. State action. No agency or individual employee of the State or state related agencies will discriminate because of race, color, religious creed, sex, national origin, ancestry, age or physical handicap while providing any function or service to the public, in enforcing any regulation, or in any education, counseling, vocational guidance, apprenticeship and on-the-job training programs. Similarly, no state or state related agency contractor, subcontractor, or labor union or representative of the workers with which the contractor has an agreement, will discriminate unless based on a bona fide occupational qualification. State agencies or related agencies may withhold financial assistance to any recipient found to be in violation of the Maine Human Rights Act or the Federal Civil Rights Act. Any state agency or related agency shall decline any job order carrying a specification or limitation as to race, color, religious creed, sex, national origin, ancestry, age or physical handicap, unless it is related to a bona fide job requirement.

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

A. The contractor will not discriminate against any employee or applicant for employment because of race, color, religious creed, sex, national origin, ancestry or age. Such action shall include, but not be limited to, the following: Employment, upgrading, demotions, transfers, recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

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

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

D. The contractor will cause the foregoing provisions to be inserted in all contracts for any work covered by this agreement so that such provisions will be binding upon each subcontractor.

§ 785. State employment services

Any state agency or state related agency engaged in employment, referral or placement service for private industry or public agencies shall fill all job orders on a nondiscriminatory basis, and shall decline any job order carrying a specification or limitation as to race, color, religious creed, sex, national origin, ancestry or age, unless it relates to a bona fide job requirement.

§ 786. Training for job opportunities

All educational and vocational-guidance counseling programs and all apprenticeship and on-the-job training programs conducted, supervised or funded by the state or state related agency shall be conducted to encourage the fullest development of interest and aptitudes without regard to race, color, religious creed, sex, national origin, ancestry or age, unless sex or age relates to a bona fide job requirement. In the event that any such programs are conducted in conjunction with private employers or private educational institutions, the supervising or contracting department or agency shall insure that the provisions of this subchapter are complied with fully by such private employer or private educational institution.

§ 787. State financial assistance

No state agency or state related agency shall approve a grant of state financial assistance to any recipient who is engaged in discriminatory practices.

All recipients of state financial assistance shall submit to the Maine Human Rights Commission, at its request, information relating to the recipient's operations with regard to race, color, religious creed, sex, national origin, ancestry or age. Such information shall be furnished on a form to be prescribed by the Maine Human Rights Commission.

§ 788. The State Department of Personnel

The State Department of Personnel shall take positive steps to insure that the entire civil service examination and testing process, including the development of job specifications and employment qualifications, is free from either conscious or inadvertent bias. Furthermore, the Department of Personnel will have the initial responsibility of resolving civil service conflicts and complaints, changing administrative procedures when necessary and providing assistance for preparing affirmative action programs. It is the responsibility of the Equal Opportunity Personnel Specialist in the Department of Personnel to monitor the civil service affirmative action program and insure compliance with all federal and state regulations.

§ 789. Human Rights Commission

All affirmative action programs, whether part of the civil service or not, shall be subject to the review and comment of the Human Rights Commission.

All powers and duties granted to the Maine Human Rights Commission

under sections 4551, et seq., as amended, apply to this section. Complaints of discrimination based on race, color, religious creed, sex, national origin, age or physical handicap should be made to the Maine Human Rights Commission.

§ 790. Affected state agencies and state related agencies

All state financed agencies, political subdivisions, quasi-independent agencies, school districts and instrumentalities of State Government are required to implement this Code of Fair Practices and Affirmative Action.

Sec. 2. Effective date. This Act shall become effective on July 1, 1976.

Effective July 1, 1976

CHAPTER 154

AN ACT Relating to Public Safety on Passenger Tramways at Ski Areas.

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

25 MRSA §§ 1996 and 1997 are enacted to read:

§ 1996. Duties of skiers; acts prohibited

It shall be the duty of any skier to conduct himself within the limitation of his individual ability and in no way contribute to the injury of himself or others. No person engaged in skiing shall be authorized to:

1. Embark and disembark from tramway except as designated. Embark or disembark from any passenger tramway, as defined in this chapter, except at a designated area;

2. Throw or expel objects from a tramway. While riding on any passenger tramway, as defined in this chapter, or similar device, throw or expel therefrom any object, nor while riding on said passenger tramway, shall the skier do any act or thing which shall interfere with the running of said tramway;

3. Engage in harmful conduct. While riding on any passenger tramway, as defined in this chapter, willfully engage in any type of conduct which will contribute to or cause injury to any person, nor shall he willfully place any object in the uphill ski track which will cause another person to fall.

§ 1997. Penalties

Any ski area, its owner, manager and employees, who finds a person in violation of section 1996 may first issue a verbal warning to said individual and mark his ski lift ticket to indicate that such a warning has been given. Any person who fails to heed the warning issued by the ski area, its owner, manager or employees shall forfeit his ski lift ticket and be refused issuance of another.

Effective October 1, 1975