

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE

FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
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J.S. McCarthy Co., Inc.
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1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

Sec. 8. 22 MRSA §4492, as amended by PL 1977, c. 417, §7, is repealed.

Sec. 9. 22 MRSA §4496, as repealed and replaced by PL 1975, c. 664, is repealed.

Sec. 10. 22 MRSA §4497, as amended by PL 1977, c. 417, §8, is repealed.

Sec. 11. 22 MRSA §4498, as repealed and replaced by PL 1977, c. 417, §9, is repealed.

Sec. 12. 22 MRSA §4499, as amended by PL 1981, c. 298, is repealed.

Sec. 13. 22 MRSA §4500, as amended by PL 1975, c. 293, §4, is repealed.

Sec. 14. 22 MRSA §4500-A, as repealed and replaced by PL 1977, c. 417, §11, is repealed.

Sec. 15. 22 MRSA §4504, as amended by PL 1979, c. 382, §2, is repealed.

Sec. 16. 22 MRSA §4505, as amended by PL 1975, c. 574, §3, is repealed.

Sec. 17. 22 MRSA §4507, as repealed and replaced by PL 1977, c. 417, §14, is repealed.

Sec. 18. 22 MRSA §4508, as enacted by PL 1975, c. 574, §4, is repealed.

Effective September 23, 1983.

CHAPTER 578

H.P. 1241 - L.D. 1653

AN ACT to Insure State Enforcement of
Equal Opportunity in State-supported
Educational Programs.

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

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

2-A. Educational institution. "Educational institution" means any public school or educational program, any public post-secondary institution, any private school or educational program approved for

tuition purposes if both male and female students are admitted and the governing body of each such school or program.

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

10. Unlawful discrimination. "Unlawful discrimination" includes:

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

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

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

D. Aiding, abetting, inciting, compelling or coercing another to do any of such types of unlawful discrimination; obstructing or preventing any person from complying with this Act or any order issued hereunder in this subsection; attempting to do any act of unlawful discrimination; and punishing or penalizing, or attempting to punish or penalize, any person for seeking to exercise any of the civil rights declared by this Act or for complaining of a violation of this Act or for testifying in any proceeding brought hereunder in this subsection; and

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

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

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

SUBCHAPTER V-B

EDUCATIONAL OPPORTUNITY

§4601. Right to freedom from discrimination in education

The opportunity for an individual at an educational institution to participate in all educational, counseling, vocational guidance programs and all apprenticeship and on-the-job training programs with-

out discrimination because of sex is recognized and declared to be a civil right.

§4602. Unlawful educational discrimination

1. Unlawful educational discrimination. It is unlawful educational discrimination in violation of this Act, on the basis of sex, to:

A. Exclude a person from participation in, deny a person the benefits of, or subject a person to, discrimination in any academic extracurricular, research, occupational training or other program or activity;

B. Deny a person equal opportunity in athletic programs;

C. Apply any rule concerning the actual or potential family or marital status of a person or to exclude any person from any program or activity because of pregnancy or related conditions;

D. Deny admission to the institution or program or to fail to provide equal access to and information about an institution or program through recruitment; or

E. Deny financial assistance availability and opportunity.

§4603. Rulemaking

The Commissioner of Educational and Cultural Services shall have joint rule-making authority with the commission to effectuate this subchapter.

§4604. Enforcement.

The Commissioner of Educational and Cultural Services, or his designee, may participate in predetermination resolution and conciliation efforts of the commission as follows:

1. Notification of results of preliminary investigations. The Commissioner of Educational and Cultural Services shall be informed of the results of preliminary investigations into complaints of unlawful educational discrimination concerning public schools and programs and private schools approved for tuition purposes.

2. Notification of findings of unlawful educational discrimination; informal conciliation efforts. The Commissioner of Educational and Cultural Services shall be informed of any finding that unlawful educational discrimination has occurred in a public school

or program or a private school or program approved for tuition purposes. The commissioner may participate in informal conciliation efforts made pursuant to section 4612, subsection 3 and shall, upon request, have access to all information concerning these conciliation efforts.

Sec. 4. Report The Maine Human Rights Commission and the Department of Educational and Cultural Services shall report to the Joint Standing Committee on Education at the beginning of the First Regular Session of the 112th Legislature concerning the implementation of this Act.

Effective September 23, 1983.

CHAPTER 579

S.P. 608 - L.D. 1737

AN ACT to Limit Future Increases in the
Cost of Hospital Care in Maine.

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

Sec. 1. 2 MRSA §6-B is enacted to read:

§6-B. Salaries of certain employees of the Maine Health Care Finance Commission

Notwithstanding any other provision of law, the salaries of certain employees of the Maine Health Care Finance Commission shall be as follows.

1. Executive director. The salary of the executive director shall be within salary range 91.

2. Deputy director. The salary of the deputy director shall be within salary range 89.

3. General counsel. The salary of the general counsel shall be within salary range 88.

Sec. 2. 3 MRSA §507, sub-§10, ¶B, as repealed and replaced by PL 1979, c. 654, §3, is amended to read:

B. Unless continued or modified by law, the following Group E-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1989: