

## §784. State action and contracts

**1. State action.** An agency or individual employee of the State or state-related agency may not discriminate because of actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status 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, a state or state-related agency contractor, subcontractor, or labor union or representative of the workers with which the contractor has an agreement may not 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 actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status, unless it is related to a bona fide job requirement. [PL 2021, c. 553, §3 (AMD).]

**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 actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status. Such action includes, but is not 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. [PL 2021, c. 553, §4 (AMD).]

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 actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status. [PL 2021, c. 553, §5 (AMD).]

C. The contractor will send to each labor union or representative of the workers with which the contractor has a collective or bargaining agreement, or other contract or understanding, whereby the contractor is furnished with labor for the performances of the contract, a notice, to be provided by the contracting department or agency, advising the 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." [RR 2023, c. 2, Pt. B, §43 (COR).]

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. [PL 1975, c. 153, §1 (NEW).]

E. Contractors and subcontractors with contracts in excess of \$50,000 will also pursue in good faith affirmative action programs. [PL 1991, c. 807, §1 (NEW).]

[RR 2023, c. 2, Pt. B, §43 (COR).]

### SECTION HISTORY

PL 1975, c. 153, §1 (NEW). PL 1985, c. 388, §2 (AMD). PL 1991, c. 807, §1 (AMD). PL 2021, c. 348, §§3-5 (AMD). PL 2021, c. 553, §§3-5 (AMD). RR 2023, c. 2, Pt. B, §43 (COR).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.