



MAINE STATE POLICE GENERAL ORDER

E-131

SUBJECT: MAINE STATE POLICE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION TITLE VI PROGRAM COMPLIANCE PLAN

NUMBER: E-131

EFFECTIVE DATE: 07.26.2019

RECENT HISTORY: RE-ISSUED WITHOUT SUBSTANTIVE AMENDMENTS (07.26.2019); RE-ISSUED WITHOUT SUBSTANTIVE AMENDMENTS (08.06.2018); AMENDED (07.26.2017); NEW (12.07.2016)

DISTRIBUTION CODE: 2

SIGNATURE OF COLONEL:

I. PURPOSE

1. The purpose of this General Order is to establish the Federal Motor Carrier Safety Administration Title VI Program Compliance Plan of the Maine State Police.

II. POLICY

1. The policy of the Maine State Police is:
 - A. To comply with 49 C.F.R. Part 21, "Nondiscrimination in Federally-assisted Programs of the Department of Transportation," and 49 C.F.R. Part 303, "Civil Rights";
 - B. To comply with the "United States Department of Transportation Standard Title VI Program/Non-Discrimination Assurances," attached hereto and incorporated into this Order by reference as APPENDIX 1; and

- C. To designate a Title VI Program Coordinator for the Maine State Police, who shall have sufficient responsibility and authority to ensure that the plan established by this Order is effectively implemented and administered.
 - 1. The Title VI Program Coordinator is the Lt. of the Office of Professional Standards.

III. DEFINITIONS

- 1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
 - A. Complainant. "Complainant" means a person who initiates a complaint alleging discrimination on the basis of race, color, national origin, sex, age, disability, limited English proficiency ("LEP"), or income-level.
 - B. Department of Public Safety Equal Employment Opportunity Coordinator. "Department of Public Safety Equal Employment Opportunity Complaint Coordinator" ("DPS EEO Coordinator") means the Equal Employment Opportunity Coordinator for the Maine Department of Public Safety, whose contact information is provided in APPENDIX 2.
 - C. FMCSA. "FMCSA" means the Federal Motor Carrier Safety Administration.
 - D. Maine State Police Title VI Program Coordinator. "Maine State Police Title VI Program Coordinator" ("MSP Title VI Program Coordinator") means the individual designated by the Colonel, or designee, to ensure that the plan established by this Order is effectively implemented and administered.
 - 1. The Title VI Program Coordinator is the Lt. of the Office of Professional Standards.
 - E. Sub-recipient. "Sub-recipient" means an agency that receives FMCSA funding through the Maine State Police.
 - F. Title VI. "Title VI" references, collectively, Title VI of the Civil Rights Act of 1964 and those statutory, regulatory, and Presidential Executive Orders identified in APPENDIX 1.

IV. PROCEDURE

- 1. DESCRIPTION OF FEDERAL-AID PROGRAMS
 - A. The description of Federal-aid programs is included in APPENDIX 4 of this Order.

2. NOTIFICATION TO BENEFICIARIES/PARTICIPANTS

A. The Maine State Police shall notify members of the general public of the protections against discrimination afforded by Title VI, as well as the Title VI obligations of the agency, as listed in APPENDIX 1.

1. Such notification shall be made via the Department of Public Safety "home" website and/or Maine State Police "home" website, as well as, to the extent possible, by the posting of notices and provision of informational handouts at Maine State Police offices and facilities that are accessible to the general public.

a. An example of such a notice is the "Public Notice of Title VI Program Rights."

B. At a minimum, such notification should include the following:

1. A statement that the Maine State Police operates the Federal-aid programs identified in Part IV, Section 1, above, without regard to race, color, national origin, sex, age, disability, limited English proficiency ("LEP"), or income;
2. Procedures to be followed by members of the public to request additional information about the Maine State Police's Title VI obligations; and
3. Procedures to be followed by members of the public to file discrimination complaints against the Maine State Police.

a. Such procedures should include the names of the MSP Title VI Program Coordinator and the DPS EEO Coordinator, and those respective coordinators' business contact information.

3. SUB-RECIPIENT COMPLIANCE REPORTS

A. To the extent the Maine State Police awards funding received from the FMCSA to sub-recipients, the Maine State Police shall:

1. Ensure that each sub-recipient is duly notified of its Title VI obligations as a sub-recipient of FMCSA funding;
2. Require each sub-recipient to establish, prior to receiving FMCSA funding, a compliance plan like the one established by this Order;

- a. The plan must include the assurances stated in the assurances document attached to this Order in APPENDIX 1;
 3. Establish procedures to generally monitor the effective administration of the program implemented by each sub-recipient to ensure the sub-recipient's compliance with its Title VI obligations;
 - a. Such procedures may include, as appropriate, documentation audits or on-site visits;
 4. Require each sub-recipient to report any and all discrimination complaints received by the sub-recipient in relation to programs or services provided by the sub-recipient that are are funded by FMCSA funding.
4. TRAINING
 - A. Annually, the Maine State Police shall train Maine State Police sworn and civilian personnel on the Title VI obligations of the agency.
 1. Such training may include online training, the distribution and required review of this Order and/or instructional material (such as the Power Point presentation, "FMCSA Basic Title VI Program Training" (as of June 2016)) and/or in-person classes.
5. ACCESS TO RECORDS
 - A. The Maine State Police shall ensure that records relating to the implementation of this Title VI Program compliance plan -- including, but not limited to, FMCSA compliance review-related documentation and FMCSA complaint investigation-related documentation -- are available upon request for review by the FMCSA during the normal business hours of the Maine State Police.
6. COMPLAINT DISPOSITION PROCESS
 - A. Maine State Police personnel shall promptly communicate a complaint alleging discrimination by a member of the Maine State Police, to the MSP Title VI Program Coordinator.
 - B. The Maine State Police Title VI Program Coordinator shall then:
 1. Notify the DPS EEO Coordinator of the complaint;

2. Contact the complainant to acknowledge the MSP Title VI Program Coordinator Office's receipt of the complaint; and
 3. Send the "Discrimination Complaint Information Form " (see APPENDIX 3) to the complainant for completion and submission back to the MSP Title VI Program Coordinator.
- C. Upon receipt of the completed "MSP Discrimination Complaint Information Form" form from the complainant, the MSP Title VI Program Coordinator shall contact the DPS EEO Coordinator to discuss how they will work together to most effectively and efficiently review the complaint.
1. This discussion should include, but not be limited to, making a determination of the extent to which further investigation and/or additional information from the complainant, or other parties, might be needed.
- D. Upon completion of the MSP Title VI Program Coordinator and DPS EEO Coordinator's review, the MSP Title VI Program Coordinator shall notify the complainant of whether the complaint was or was not sustained.
1. If, following review, a complaint is sustained, the MSP Title VI Program Coordinator may inform the complainant of the general remedial steps the agency will take as a result. Such information shall **not** include, however, any records or information confidential pursuant to 5 M.R.S. sec. 7070(2)(E).
- E. The Maine State Police shall maintain a Title VI Program "Complaint Log," which at a minimum must include the following information for each complaint received:
1. Name of complainant;
 2. Basis of complaint (i.e., alleged discrimination based on race, based on national origin, etc.);
 3. Allegation(s) made, and the date when allegation(s) made;
 4. Determination made at the conclusion of the investigation, and the date of that determination;
 5. Any other information thought to be relevant and appropriate that relates to each investigation.

The Maine State Police shall make this complaint log available to the FMCSA upon request.

7. STATUS OF CORRECTIVE ACTIONS IMPLEMENTED BY THE MAINE STATE POLICE TO ADDRESS DEFICIENCIES PREVIOUSLY IDENTIFIED DURING A TITLE VI PROGRAM COMPLIANCE REVIEW

- A. To the knowledge of Maine State Police Administration, the agency has not needed to implement any corrective actions to address deficiencies previously identified during a Title VI Program Compliance Review.

8. COMMUNITY PARTICIPATION PROCESS PLAN ELEMENT

- A. The Maine State Police is not required to have Community Participation Process element in this plan.

ATTACHMENT(S)

APPENDIX 1, "United States Department of Transportation Standard Title VI Program/Non-Discrimination Assurances"

APPENDIX 2, "Maine Department of Public Safety Equal Employment Opportunity Coordinator Contact Information"

APPENDIX 3, "Discrimination Complaint Information Form"

APPENDIX 4, "Description of Federal-Aid Programs"

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Maine State Police (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the Federal Motor Carrier Safety Administration (FMCSA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI,

to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the "*application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*" When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT's "*Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons,*" dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FMCSA Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Maine State Police, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant

to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, The Maine State Police also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FMCSA. You must keep records, reports, and submit the material for review upon request to FMCSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

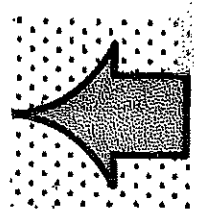
Maine State Police gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the FMCSA Program. This ASSURANCE is binding on Maine, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Maine State Police
(Name of Recipient)

by


Colonel John E. Cote

DATED 07-17-19



APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to

protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

June 13, 2016

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

APPENDIX B

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the **Maine State Police** will accept title to the lands and maintain the project constructed thereon in accordance with (*Name of Appropriate Legislative Authority*), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **Maine State Police** all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto **Maine State Police** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **Maine State Police**, its successors and assigns.

The **Maine State Police**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the **Maine State Police** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)

June 13, 2016

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER
THE ACTIVITY, FACILITY OR PROGRAM**

APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **Maine State Police** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **Maine State Police** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the **Maine State Police** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **Maine State Police** and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED
UNDER THE ACTIVITY, FACILITY OR PROGRAM**

APPENDIX D

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by **Maine State Police** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **Maine State Police** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **Maine State Police** will there upon revert to and vest in and become the absolute property of **Maine State Police** and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) ("*...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*");
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

APPENDIX 2

MAINE DEPARTMENT OF PUBLIC SAFETY EQUAL EMPLOYMENT OPPORTUNITY COORDINATOR CONTACT INFORMATION

The Equal Employment Opportunity Coordinator is Catherine A. Pease of the Department of Administrative & Financial Services, Security & Employment Service Center. Ms. Pease's contact information is as follows:

- **Mailing address:**
Department of Administrative & Financial Services
Security & Employment Service Center
Attn: Ms. Catherine A. Pease, Equal Employment Opportunity Coordinator
45 Commerce Dr., Suite 4
Augusta, ME 04333-0108
- **Office telephone number:** (207) 623-6735
- **E-mail address:** catherine.a.pease@maine.gov

APPENDIX 3

Department of Public Safety Discrimination Complaint Information Form

Please complete and submit this form to the Equal Employment Opportunity Coordinator identified in Appendix B, if you think you have been discriminated against based on your race, color, national origin, sex, age, disability, Limited English Proficiency ("LEP"), or income.

1. Complainant Contact Information:

Please provide the following contact information:

Name:	
Mailing address:	
City:	
State:	
Zip:	
Home phone number:	
Work phone number:	
Email address:	

2. Respondent Contact Information:

Please provide the following contact information of the agency and/or person against whom you are making your complaint:

Name:	
Mailing address:	
City:	
State:	
Zip:	
Business phone number:	

3. What is the most convenient time and place for us to contact you about your complaint?:

--

4. To your best recollection, on what date(s) did the discrimination against you take place?

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Exact or approximate date of <u>first</u> occurrence:	
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Exact or approximate date of <u>most recent</u> occurrence:	
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5. Have you ever attempted to resolve this complaint with the Respondent you identified above in Question 2?

YES | NO

6. Explain as briefly and clearly as possible what happened, and why you think you were discriminated against based on what happened. Provide as many specific details as possible. Also attach any written material that you think is relevant to your complaint.

(Please attach additional pages if needed)

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7. Basis of Complaint: Which of the following best describes why you believe you were discriminated against (check all that apply):

- Race
- Color
- National origin
- Sex
- Age
- Disability
- Limited English Proficiency ("LEP")
- Income
- Other: Specify _____

11. What other information that you have not already provided do you think is relevant to your complaint?

(Please attach additional pages if needed)

12. If your complaint were to be resolved to your satisfaction, what changes or remedies would you want to see made?

(Please attach additional pages, if necessary)

A large, empty rectangular box with a thin black border, intended for the respondent to provide their answer to question 12. The box is currently blank.

13. Please list below any persons (witnesses, fellow employees, supervisors, or others), and their contact information, who we may contact for additional information relevant to your complaint (please attach separate pages with such persons' names and contact information, if necessary):

Name:	
Mailing address:	
Email address:	
Telephone number:	

Name:	
Mailing address:	
Email address:	
Telephone number:	

Name:	
Mailing address:	
Email address:	
Telephone number:	

14. Do you have an attorney? Yes No

If yes, please provide your attorney's name, mailing and email addresses, and telephone number:

Attorney name:	
Mailing address:	
Email address:	
Telephone number:	

15. Have you filed a case or complaint with any of the following (check all that apply)?:

- Civil Rights Division, United States Department of Justice
- United States Equal Employment Opportunity Commission
- Federal or State Court
- Your State or local Human Relations/Rights Commission

16. For each item you checked in Question15 above, please provide the following information (please attach additional pages, if necessary):

Agency name:	
Date filed:	
Case or docket number, if any:	
Date of trial or hearing, if any:	
Location of agency or court:	
Name of Investigator:	
Status of case:	
Any additional information that you think is relevant to your complaint and/or that you would like the Equal Employment Opportunity Coordinator to know:	

To the best of my knowledge and belief, the information I have provided in this "Discrimination Complaint Information Form" is true and accurate.

Having read this form and provided responses to the questions in it, I hereby freely and voluntarily sign and date this form below. (Note: This complaint form will be considered INCOMPLETE AND WILL NOT BE PROCESSED unless signed by the Complainant and a Witness to the Complainant's signature):

Signature of Complainant

Date:

Signature of witness to Complainant's signature

Date:

Printed name of witness to Complainant's signature

APPENDIX 4

DESCRIPTION OF FEDERAL-AID PROGRAMS

As of the date indicated below, the Maine State Police ("MSP") is applying for Motor Carrier Safety Assistance Program ("MCSAP") Basic and Incentive grants through the Federal Motor Carrier Safety Administration ("FMCSA").

Further, the MSP also is applying for additional FMCSA grant funding through "High Priority," "Safety Data Improvement," "New Entrant Safety Grant," "Border Enforcement," and "Performance and Registration Information Systems Management" grant programs.

The MSP has been designated by the Governor of Maine to be the State's lead MCSAP agency, and as such the agency is responsible for developing strategies aimed at reducing crashes, injuries, and fatalities involving large trucks and buses. The receipt of federal aid from the FMCSA enables the Maine State Police to further our safety mission to the equal benefit of all those who travel our highways.

Date: _____