

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 02/ FY 11/12
DATE July 14 2010

**AN ORDER COMMEMORATING THE 20TH ANNIVERSARY OF
THE AMERICANS WITH DISABILITIES ACT AND
REAFFIRMING THE STATE OF MAINE'S COMMITMENT TO
ACCESSIBILITY AND INCLUSION OF PEOPLE WITH DISABILITIES**

WHEREAS, the Americans with Disabilities Act ("ADA") was signed into law on July 26, 1990 to ensure the civil rights of people with disabilities and established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and

WHEREAS, the ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing full participation in community life; and

WHEREAS, the full promise of the ADA will only be reached if public entities remain committed in their efforts to fully implement the ADA; and

WHEREAS, the State of Maine recognizes that all its citizens have the right to fully participate in leading productive and active lives without regard to their disabilities and that supporting the rights of persons with disabilities is essential to the economic and social well-being of the entire State; and

WHEREAS, the State of Maine has taken the initiative to enact laws and issue orders for the protection of the rights of people with disabilities; and

WHEREAS, State agencies have adopted policies and taken action to provide accessibility for people with disabilities in all State programs; and

WHEREAS, the Office of the Governor issued Executive Order 7 FY 04/05 (dated September 29, 2003) establishing and reaffirming the Office of State Accessibility Coordinator to coordinate the State's continuing efforts to comply with and carry out the State's responsibilities under Title II of the ADA and directing each department and agency to designate an accessibility coordinator, to plan for and implement actions for accessibility, and to adopt grievance procedures to resolve any complaints; and

WHEREAS, continuing to remove barriers that limit the participation of people with disabilities in employment, programs and activities of the State of Maine remains an ongoing concern and requires the concerted and focused efforts of all agencies and their partners to remove those barriers; and

WHEREAS, State government bears a unique responsibility in demonstrating to all people the goals and values of our common life, including serving as a model of accessibility and non-discrimination regarding people with disabilities; and

WHEREAS, the removal of all barriers to equal opportunity for all of our State's citizens requires the leadership and the concentrated and continued attention of the State administration;

NOW, THEREFORE, I, John E. Baldacci, under the power vested in me, in recognition of the upcoming 20th anniversary of the Americans with Disabilities Act and in pursuit of the goal of providing equal opportunity to people with disabilities according to Federal law and the law of the State of Maine, do hereby celebrate the progress that has been made under the ADA, reaffirm the principles of equality and inclusion, and recommit our efforts to full accessibility and inclusion of people with disabilities in compliance with the ADA; and I do hereby proclaim the week of July 25, 2010 as ADA Recognition Week throughout the State of Maine and commend its observance to all citizens.

Responsibilities of State Agencies and Officials under this Executive Order

The responsibilities described in Executive Order 7 FY 04/05 are reaffirmed and shall be implemented as described in that Executive Order. In addition to the responsibilities set forth in Executive Order 7 FY 04/05, the following State agencies and officials have particular responsibilities for carrying out the intent of this Executive Order.

1. Responsibilities of each department or agency head are as follows:
 - a. To ensure that the department's or agency's communications with individuals with disabilities are as effective as communications with others, *i.e.*, that all electronic documents, websites, audiovisual materials, and other communication media, whether created by State employees or by contracted vendors, are available in accessible alternative formats appropriate to their use, consistent with the standards and best practices adopted by the Chief Information Officer;
 - b. To ensure that the department or agency promotes and facilitates the employment of people with disabilities within its ranks, collaborating as appropriate with the Maine Jobs Council, the Bureau of Human Resources within the Department of Administrative and Financial Services, and the Bureau of Rehabilitation Services within the Department of Labor, consistent with the mandates of Executive Order 13 FY 06/07 to make the State of Maine a model employer;
 - c. To ensure that the department or agency has a non-discrimination policy and procedures in place and has provided training to staff regarding accommodation requests and the prompt and equitable resolution of grievances, consistent with 12-168 CMR Chapter 50: Non-Discrimination Policy and Grievance Procedure; and
 - d. To review and approve ADA plans and modifications of plans developed by the department or agency Accessibility Coordinator and strive to implement such plans and modifications.

2. Responsibilities of the Chief Information Officer (CIO), consistent with 5 MRSA §1973, are as follows:

- a. To provide leadership to departments, agencies and employees and, if needed, disseminate reports, policy directives or clarifications to support accessible information technology (IT);
- b. To review all RFP's and contracts for information technology for compliance with State policies and standards for accessibility; and
- c. To authorize and maintain an advisory group (the Information Technology Accessibility Committee) to evaluate technological developments, identify issues of IT accessibility within State programs, and propose to the CIO policies, standards, and practices to improve IT accessibility for people with disabilities.

3. Responsibilities of the department or agency Accessibility Coordinators are as follows:

- a. To complete an updated ADA self-evaluation reviewing programs, services and activities of the department or agency to determine what, if any, actions are necessary for the department or agency to comply with and to carry out its responsibilities under the ADA; and
- b. To prepare a plan for implementing any actions necessary for compliance under the ADA, such actions to be completed as soon as practicable, and submit a copy of the plan to the Office of State Accessibility Coordinator and to the Office of the Governor.

4. Responsibilities of the State Accessibility Coordinator are as follows:

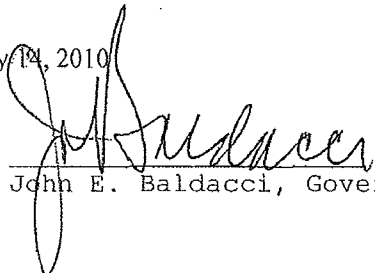
- a. To meet with and assist each Accessibility Coordinator by September 15, 2010 regarding the agency's ADA self-evaluation and to provide a template for the agency to complete this task; and
- b. To ensure training programs are in place for department or agency Accessibility Coordinators, other employees assigned by departments or agencies, and contractors delivering aspects of State programs, regarding the provisions of applicable law and implementation of best practices.

Applicability

The purpose of this Executive Order is to build on the State's successes to date and to reaffirm the State's commitment to comply with applicable federal law with regard to participation by qualified individuals with disabilities in the services, programs and activities of the State. Nothing in this Executive Order should be construed as an actual or implicit waiver of the sovereign immunity of the State of Maine.

Effective Date

The effective date of this Executive Order is July 14, 2010.


John E. Baldacci, Governor