

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1783

DATE: 4/7/94

(Filing No. H-1074)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1321, L.D. 1783, Bill, "An Act Relating to Access for People with Disabilities"

Amend the amendment by striking out all of sections 1 and 2 and inserting in their place the following:

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the commission created by this resolve needs to begin its work as soon as possible to deal with the complexity of its charge and to meet the reporting date; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission created and charged. Resolved: That there is established the People with Disabilities Access Commission, referred to in this resolve as the "commission." The commission shall:

1. Review and compare the federal Americans with Disabilities Act of 1990 with state laws and rules concerning access for persons with disabilities, including the Maine Human Rights Act and provisions of the Maine Revised Statutes, Title 25;

2 2. Recommend changes in state laws and rules needed to
ensure that compliance with state law will meet at least the
4 minimum requirements of federal law, so that state law can be
certified by the United States Department of Justice as complying
6 with the federal Americans with Disabilities Act of 1990 and, in
part, so that, with respect to standards of construction relating
8 to access for people with disabilities, businesses may have a
more efficient and cost-effective process and a "one-stop
10 shopping" location at the Office of State Fire Marshal for review
and approval of construction plans with respect to both state and
12 federal access laws; and

14 3. Plan for implementation, including development of
resources and financing, to meet the needs of people with
16 disabilities and the needs of businesses and others required to
comply with the laws pertaining to access for persons with
18 disabilities; and be it further

20 **Sec. 2. Appointment. Resolved:** That the commission consists
of 17 members appointed in the following manner:

22 1. One member representing design professionals, appointed
24 by the Governor;

26 2. Four members representing business interests, who may
come from statewide organizations of business interests in the
28 State, including one from a large business, one from a small
business and one representing restaurants and innkeepers,
30 appointed by the Governor;

32 3. One member representing the construction industry,
appointed by the Governor;

34 4. One member representing State Government as an employer
and provider of services, appointed by the Governor;

36 5. One member representing labor interests, appointed by
38 the President of the Senate;

40 6. One member representing code enforcement officers,
42 appointed by the Speaker of the House of Representatives;

44 7. Six members representing the interests of persons with
disabilities, 3 of whom are persons with disabilities, appointed
46 by the Speaker of the House of Representatives and 3 of whom are
from agencies who represent people with disabilities, appointed
48 by the President of the Senate, provided that one of the agencies
is the protection and advocacy agency designated by the Governor
50 under the Maine Revised Statutes, Title 5, section 19502;

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2 8. The Executive Director of the Maine Human Rights
Commission, or the executive director's designee, who serves as
4 the commission's chair; and

6 9. The State Fire Marshal, or the State Fire Marshal's
designee.

8 All appointments must be made within 30 days of the
effective date of this resolve; and be it further'

10 Further amend the amendment in section 7 in the 3rd line
12 (page 3, line 24 in amendment) by inserting after the following:
"matters" the following: ', the Chair of the Legislative Council'

14 Further amend the amendment by inserting after section 10
16 the following:

18 'Emergency clause. In view of the emergency cited in the
preamble, this resolve takes effect when approved.'

20

22 **STATEMENT OF FACT**

24 This amendment revises the duties of the People with
Disabilities Access Commission and decreases the number of
26 members appointed to the commission and reassigns authority for
appointing commission members.

28 This amendment adds an emergency preamble and an emergency
30 clause to make the resolve effective when approved so that the
commission will have adequate time to prepare legislation for the
32 next session.

34

36 SPONSORED BY: *Susan Farnsworth*
38 (Representative FARNSWORTH)

40 TOWN: Hallowell

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HOUSE AMENDMENT