

# MAINE STATE LEGISLATURE

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JUDICIARY

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

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

Amend the bill by striking out the title and substituting the following:

**'Resolve, Establishing the People with Disabilities Access Commission'**

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

**'Sec. 1. Commission created and charged. Resolved:** That there is established the Persons 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 and state law and rules concerning access for persons with disabilities, including the Maine Human Rights Act and provisions of the Maine Revised Statutes, Title 25;

2. Recommend changes in state law and rules needed to provide the greatest amount of structural and programmatic access currently required under either federal law or state law, so that compliance with state law will meet at least the minimum requirements of the federal law; and

**COMMITTEE AMENDMENT**

3. Plan for implementation to meet the needs of people with disabilities and the needs of businesses and others required to comply with the law; and be it further

**Sec. 2. Appointment. Resolved:** That the commission consists of 19 members appointed in the following manner:

1. Two members representing design professionals, appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

2. Two members representing statewide organizations of business interests in the State, appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

3. One member representing the construction industry, appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

4. One member representing labor interests, appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

5. Six members representing persons with disabilities, appointed by the Governor. In making these appointments, the Governor shall consider people with a variety of different disabilities;

6. One member, appointed by the Governor, from a "center for independent living" as defined by the federal Rehabilitation Act, as amended;

7. One member representing code enforcement officers, appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

8. The Executive Director of the Maine Human Rights Commission, or the executive director's designee, who shall serve as the commission's chair;

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

10. One member representing the protection and advocacy agency designated by the Governor under the Maine Revised Statutes, Title 5, section 19502, appointed by the Governor;

11. One member representing municipalities or school districts;

12. One member of the public, appointed jointly by the President of the Senate and the Speaker of the House of Representatives.

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

**Sec. 3. Chair. Resolved:** That the chair shall call the first meeting of the commission as soon as funding permits. At the first meeting or a subsequent meeting, the commission may select a vice-chair from among its members and establish programmatic and structural committees; and be it further

**Sec. 4. Meetings. Resolved:** That the commission may meet as often as necessary; and be it further

**Sec. 5. Staffing. Resolved:** That, if funding permits, the commission may employ staff as needed and may contract for administrative, professional and clerical services; and be it further

**Sec. 6. Funding. Resolved:** That the commission may seek, accept and expend outside sources of funding to carry out the commission's activities. The Maine Human Rights Commission shall administer any outside funds acquired for the purposes of this resolve. Funds may not be appropriated from the General Fund for the purposes of this resolve; and be it further

**Sec. 7. Report. Resolved:** That the commission shall present its findings and any recommended legislation to the joint standing committee having jurisdiction over judiciary matters and the Executive Director of the Legislative Council by February 1, 1995; and be it further

**Sec. 8. Drafting assistance. Resolved:** That, if staff assistance with the preparation of recommended legislation is desired, assistance may be requested from the Legislative Council; and be it further

**Sec. 9. Compensation. Resolved:** That the members of the commission may determine whether expenses may be paid to members from funds accepted by the commission; and be it further

**Sec. 10. Allocation. Resolved:** That the following funds are allocated from Other Special Revenue funds to carry out the purposes of this resolve.

1994-95

MAINE HUMAN RIGHTS COMMISSION

Persons with Disabilities Access Commission

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All Other \$10,000

Provides funds to the Persons with Disabilities Access Commission for contracted staff and for miscellaneous commission expenses.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1994-95

APPROPRIATIONS/ALLOCATIONS

Other Funds \$10,000

The Maine Human Rights Commission will require an Other Special Revenue fund allocation of \$10,000 in fiscal year 1994-95 for the Persons with Disabilities Access Commission for contracted staff and miscellaneous commission expenses. This allocation provides authority for the commission to make expenditures in the event that outside sources of funding are received. The amount of additional dedicated revenue generated can not be determined.

The Maine Human Rights Commission, the Department of Public Safety and Maine Advocacy Services will incur some minor additional costs to participate as members of the commission. These costs can be absorbed within the respective agencies' existing budgeted resources. The Legislature can absorb the costs associated with the preparation of any legislation proposed by the commission.'

STATEMENT OF FACT

This amendment replaces the bill with a resolve that establishes the Persons with Disabilities Access Commission. The commission will review and compare federal and state law regarding structural and programmatic access for people with disabilities and recommend changes in state law to match any standards in the federal law that provide more protection and access than current state law. The goal is to ensure that compliance with the state standards will guarantee compliance with minimum federal standards.