

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

Monday, February 10, 1992

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

EXECUTIVE DIRECTOR'S REPORT

REPORTS FROM COUNCIL COMMITTEES

Budget Subcommittee

OLD BUSINESS

NEW BUSINESS

Item #1: Report from the Maine Human Rights Commission Regarding
Technical Assistance and Accessibility Standards
pursuant to 5 MRSA § 4594-D (11). (Report also
submitted to the Joint Standing Committee on Judiciary).

Item #2: After Deadline Bill Requests

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REPORT OF THE MAINE HUMAN RIGHTS COMMISSION TO THE JOINT STANDING COMMITTEE ON JUDICIARY REGARDING 5 M.R.S.A. §4594-D: PUBLIC ACCOMMODATIONS AND PLACES OF EMPLOYMENT CONSTRUCTED, REMODELED OR ENLARGED AFTER JANUARY 1, 1991

5 M.R.S.A. §4594-D(11) requires that the Commission "report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by March 1992, regarding the effectiveness of efforts to provide technical assistance and compliance with the standards set forth in this section requiring accessibility by persons subject to this section." Following is the report of the Commission.

This amendment to the Maine Human Rights Act went into effect January 1, 1991. In May 1990, prior to the effective date of the amendment, the Maine Human Rights Commission adopted rules detailing accessibility requirements for places of public accommodations and places of employment (see attached).

The Commission initiated a series of training sessions/educational forums to increase awareness and knowledge of owners, architects, design professionals, code enforcers, building contractors and persons with disabilities. These sessions were held over the University's Interactive Television system on March 8, 1991, April 3, 1991, and April 19, 1991. Sessions were focused towards code enforcement officers, architects, design professionals, building contractors and persons with disabilities. One two hour segment focused on new construction; one on renovation; and one on process. Several hundred people were trained.

In addition to the interactive television seminars, the Commission has conducted nine additional seminars for groups detailing the accessibility requirements of the Act's amendments.

In December 1991, the Commission adopted rules providing a procedure whereby builders of certain specified facilities in this amendment may request waivers and variances from the requirements of the disability provisions of the Maine Human Rights Act. These rules however, have not been approved by the Attorney General because it is the opinion of that office that the full Commission issue a decision, and not the hearings officer contemplated by the Commission and its proposed rules. This matter is the subject of a separate letter to the Committee.

In the interim, the Commission's Executive Director has received five waiver requests, has held five hearings, and has issued five decisions. The Director has utilized the principles articulated in the proposed rules in holding these hearings and rendering decisions.

The Office of the State Fire Marshall reports to the Commission that they have reviewed 109 requests for building permits that included a review for accessibility. This figure comprises 28% of the construction permits issued by that office.

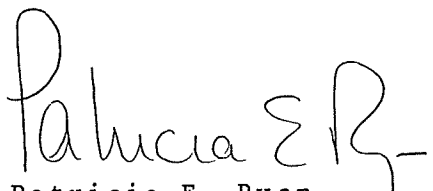
In addition, the Office of the State Fire Marshall has compiled and provides to those seeking review, written information about the accessibility requirements and that Office's prior interpretations and decisions.

The Commission and the Office of the State Fire Marshall meet bi-weekly to discuss access issues, and to review requests for informal access opinions on buildings not subject to mandatory plan review. In addition, the Commission's Compliance Officer receives and responds to approximately 50 access inquiries per week.

The Commission feels strongly that providing technical assistance is a worthwhile goal towards insuring accessibility. We are concerned, however, that with the reduction in resources given the Commission, that we will not be able to continue to meet this mandate. Since the Commission has lost 20% of its already-small staff, the Compliance Officer's time is dramatically taken up by access issues and inquiries. In addition, the Executive Director spends a considerable amount of time on access related matters, and serves as hearings officer for waiver request. The Commission's "all other" monies have been reduced dramatically, precluding it from being able to produce written materials, as contemplated by ¶6.

Of most serious concern to the Commission, however, is the opinion of the Attorney General regarding decisions on requests for waivers or variances. If this is not able to be cleared up to allow decisions to be made by a hearings officer, the Commission will not be able to implement this section of the amendment, without adding this responsibility to the other responsibilities of the Investigators, and causing significant delays for those seeking waivers from the accessibility requirements.

The Executive Director of the Commission would be pleased to meet with the Committee or provide further information.


Patricia E. Ryan
Executive Director

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
February 7, 1992

Action

SPONSOR: Rep. Bailey, Harry

LR 3767 An Act to Expand the Role of the Chief of State
Police

SPONSOR: Rep. Boutilier

LR 3769 An Act to Authorize Department of Transportation
Bond Issues in the Amount of \$45,000,000 for
Infrastructure Improvements and to Create Jobs

Cosponsors: Rep. Bailey, Ronald C.

SPONSOR: Rep. Gray

LR 3768 An Act to Clarify the Laws Governing Payment of
State Mandates

Cosponsors: Sen. Berube

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Anthony	TABLED 02/04/92
LR 3655	An Act to Clarify the Authority of the Governor's Emergency Budget Curtailment Powers	
 SPONSOR:	 Rep. DiPietro	 TABLED 01/28/92
LR 3742	An Act to Prevent Sexual Exploitation of Minors	
 SPONSOR:	 Rep. Goodridge	 TABLED 01/28/92
LR 3668	An Act Authorizing the Issuance of Limited Licenses for Plumbers	
 SPONSOR:	 Rep. Gwadosky	 TABLED 01/28/92
LR 3669	An Act to Support the Governor's Task Force on Defense Realignment and the Maine Economy to Ensure its Timely, Comprehensive, Statewide Response to Defense Spending Cuts and Realignments in Maine	
 SPONSOR:	 Sen. Kany	 TABLED 01/28/92
LR 3603	An Act Pertaining to Workers Compensation Cosponsors: Rep. Mitchell, Elizabeth H. (NOTE: This file does not contain sufficient information to prepare a draft.)	
 SPONSOR:	 Sen. Kany	 TABLED 01/28/92
LR 3635	An Act Concerning Tax Deductions for Health Insurance Premiums and Health Service Payments Cosponsors: Sen. Theriault Rep. Rydell Rep. Mitchell, Elizabeth H.	
 SPONSOR:	 Rep. Kilkelly	 TABLED 02/04/92
LR 3765	An Act Concerning the Lincoln County Budget Committee	

SPONSOR: Rep. Manning TABLED
01/28/92

LR 3737 An Act to Preserve the Benefits of Former Employees
of the Division of Community Services

SPONSOR: Rep. Mitchell, Elizabeth H. TABLED
02/04/92

LR 3751 An Act to Amend the Reporting Deadlines of the Special
Commissions to Study the Workers' Compensation
Commission and the Regulation of the Insurance Industry

SPONSOR: Rep. Mitchell, James TABLED
01/28/92

LR 3593 An Act Amending the Maine Insurance Code

(NOTE: This file does not contain sufficient
information to prepare a draft.)

SPONSOR: Rep. Nutting TABLED
01/28/92

LR 3703 An Act to Forestall the Spread of Rabies in the State
of Maine

(NOTE: This file does not contain sufficient
information to prepare a draft.)

SPONSOR: Rep. Oliver TABLED
01/28/92

LR 3357 An Act to Restructure the Division for the Blind and
Visually Impaired

(NOTE: This request was rejected at initial screening.
This file does not contain sufficient
information to prepare a draft.)

SPONSOR: Sen. Titcomb TABLED
01/28/92

LR 3733 An Act to Permit the Recovery of Attorney's Fees in
Cases Where Municipal Officers Improperly Refuse to
Put Citizen Initiatives on the Ballot

Cosponsors: Rep. Lord

JOINT RESOLUTION

SPONSOR: Rep. Martin, John L. TABLED
02/04/92

LR 3749 Joint Resolution Memorializing the President and the
Congress of the United States to Reinvest in Hometown
America

Cosponsors: Sen. Clark, Nancy R.
Sen. Cahill, Pamela L.
Rep. Chonko

ADDENDUM

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
February 10, 1992

Action

SPONSOR: Sen. Berube

LR 3776 An Act to License Civil Process Servers