

MAINE STATE LEGISLATURE

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**State of Maine
117th Legislature
First Regular Session**

**Study to Increase Access to the Legislature and Government
Services for Persons Who are Deaf or Hard-of-Hearing and to Make Progress
Towards Compliance with the Americans With Disabilities Act**

**Report Submitted to the Legislative Council Pursuant
to PL1995, Chapter 426**

March 1996

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Table of Contents

EXECUTIVE SUMMARY

Introduction

- I. Statutory Requirements Affecting the Legislature
 - A. The Americans With Disabilities Act
 - B. The Maine Human Rights Act
 - C. Section 504 of the Rehabilitation Act of 1973
- II. Auxiliary Aids for the Deaf and Hard-of-Hearing
 - A. Interpreters
 - B. Assistive Listening Systems
 - C. Closed Captioning
- III. Legislature's Compliance With the Statutory Requirements
- IV. Findings and Recommendations

APPENDICES

- A. Authorizing Legislation for the Study
- B. Facilities Audit: Chart and Floorplan
- C. Proposed ADA Policy and Complaint Procedure
- D. Template of Public Notification Placard
- E. Suggested Additions to the Brochure for Visitors to the State House
- F. Template of Survey for Monitoring Accessibility
- G. Proposal for Assistive Listening System
- H. Comments From the Deaf Advocacy Group

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EXECUTIVE SUMMARY

Public Law 1995, Chapter 426, requires both the Executive Director of the Legislative Council and the state accessibility office, on behalf of the Executive Department, to conduct studies of the accessibility of services and programs to the deaf and hard-of-hearing in the respective branches of government. This Report summarizes the findings and recommendations related to the accessibility of the Legislature to persons with disabilities.

The work performed in the course of preparing this report has included an evaluation of the accessibility of the physical facilities used by the Legislature; collection of information from those legislative offices who have responsibility for facilitating access to the public; and an analysis of various auxiliary aids and services. While the legislative impetus for the study was access to services for the deaf and hard-of-hearing, the specific tasks performed as part of this study were broadened to address the Legislature's obligations with regard to persons having other types of disabilities. In conjunction with this study, we also solicited information and observations from individuals with disabilities and from groups representing disabled persons. This ongoing exchange has provided valuable insights regarding accessibility issues from the perspective of those who have tried to participate in the legislative process. Written comments provided by the Deaf Advocacy Group appear in Appendix .

Both the federal Americans with Disabilities Act and Maine's Human Rights Act prohibit public entities, including state legislatures, from excluding individuals from participation in or denying them the benefits of the services, programs or activities, or discriminating because of a disability. Access to the legislative process means providing equipment and services to ensure effective communication among legislators, legislative staff, and persons with disabilities. This report identifies the significant corrective measures that the Legislative Council has undertaken in the past several years as well as the improvements that are still needed to improve the accessibility of legislative services to persons with disabilities. The evaluation of the Legislature's facilities reveals that the Legislature is in substantial compliance with state and federal law. In order to achieve full and equal access for persons with disabilities, however, the Legislative Council must address the use of auxiliary aids and services, which are designed to remove communication barriers for disabled persons -- particularly, the deaf and hard-of-hearing. The report outlines a series of recommendations to the Legislative Council whose objective is to improve accessibility of the Legislature to the deaf and hard-of-hearing, as well as to persons with other disabilities.

Summary of Recommendations

Improvements to Existing Legislative Services

- The Legislative Council should develop and adopt a written policy in response to the Americans with Disabilities Act.
- The Legislative Council should develop an education and training program for both legislators and legislative staff to promote awareness of the Americans with Disabilities Act and the services available to persons with disabilities.
- The Legislative Council should include information about the services available to persons with disabilities in all relevant publications.

Interpretive Services

- The Legislative Council should explore a contractual relationship with one or more qualified providers for the provision of interpreters.
- The Legislature's joint standing committee should work with the presiding officers and legislative staff to identify those bills that are of interest to the deaf and hard-of-hearing early in the legislative session and schedule public hearings and work sessions when interpreters can be present.
- The Legislative Council should periodically evaluate both the demand for interpreting services in the legislative setting and the availability of interpreters with the objective of improving access to these services as the availability increases.

Portable Assistive Listening Devices

- The Legislative Council should authorize the purchase of one portable assistive listening system that can be used in committee rooms as needed to allow the hard-of-hearing greater access to the legislative process.
- The Legislative Council should evaluate the level of use of the portable assistive listening system to determine if the purchase of additional systems is warranted.

Closed Captioning

- Computers-assisted real time captioning is not feasible for the Legislature at this time.

INTRODUCTION

Public Law 1995, Chapter 426, enacted during the First Regular Session of the 117th Legislature, requires the Executive Director of the Legislative Council to conduct a study of the Legislature related to accessibility to legislative services and programs for the deaf and hard-of-hearing and to report to the joint standing committees on Judiciary and State and Local Government by March 1, 1996. The report must include a schedule for achieving compliance with state and federal law; a listing of all tasks, services and costs involved, including the use of closed captioning, large-area listening systems, portable assistive listening devices, full audio wiring and the provision of interpretive services; and any necessary legislation.

In conjunction with this study of accessibility, input from individuals with disabilities and groups representing disabled persons was sought. The ongoing exchange has provided valuable insight regarding accessibility issues from the perspective of those who have tried to participate in the legislative process. The input from individuals representing the deaf and blind communities has also allowed for service preferences to be taken into account. Comments received from the Deaf Advocacy Group relating to the Legislature appear in Appendix H.

I. STATUTORY REQUIREMENTS AFFECTING THE LEGISLATURE

In order to place the issues relating to accessibility of the Legislature's facilities, services and programs for the deaf and hard-of-hearing into the proper context, an understanding of the underlying state and federal law relating to persons with disabilities is necessary. While many laws address programs and services for the deaf and hard of hearing; the primary statutes governing the prohibition of discrimination against persons with disabilities are the federal **Americans with Disabilities Act** and the **Maine Human Rights Act**. These two laws are summarized below. One outgrowth of this study is a collaborative effort with the Handicapped Accessibility Office and the Division of Deafness to compile all of the state laws affecting the deaf and hard-of-hearing in a separate volume.

THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act, passed in 1990, was designed to establish a national mandate for the elimination of discrimination against individuals with disabilities and to provide strong, enforceable standards that address the major areas of discrimination faced by disabled individuals on a daily basis. The following briefly summarizes the major requirements of the Act by Title.

- ***Title I: Employment.*** It is unlawful to discriminate in employment practices against anyone with a disability who is qualified to "perform the essential functions of the job".

- **Title II: Public Services.** It is unlawful for public entities, i.e. state and local governments and the agencies thereof, to discriminate against anyone with a disability in their programs, services and activities. However, public organizations do not have to take any action that results in an alteration of the nature of the service, program or activity or causes undue financial and administrative burdens.

In addition, public entities employing more than 50 people must appoint at least one employee to coordinate compliance, including investigation and resolution of complaints.

- **Title III: Accommodations and Services Operated by Private Organizations.** It is unlawful to discriminate against people with disabilities in areas of public accommodation. Persons with disabilities are entitled to full and complete access to goods, services, facilities, privileges and advantages of any public space.
- **Title IV: Telecommunications.** All telecommunication services, such as telephone service, must be made functionally equivalent to the services available to hearing people for persons who are deaf or hard-of-hearing.

Because the Legislature is a public entity, the primary focus for compliance is Title II, which stipulates that “no individual shall be excluded from participation in or be denied benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity because of a disability.” Thus, the law requires that, when viewed in their entirety, the Legislature’s programs, activities and services must be readily accessible to and usable by people with disabilities. This includes:

- Eliminating eligibility criteria that screen out or tend to screen out people with disabilities, unless these criteria are necessary for the provision of the service, program or activity. Criteria such as legitimate safety requirements are appropriate if based on risk, not stereotypes or generalizations about disabled persons.
- Removal of all existing physical barriers if these accommodations are readily achievable. If the removal of a barrier is not readily achievable, but there is an alternative method of providing the good or service, the alternative method must be used. The determination of whether the removal of the physical barrier is “readily achievable” is a low standard, which the ADA defines to mean “easily accomplishable and able to be carried out without much difficulty or expense”.

The regulations promulgated by the Department of Justice (applicable to state governments) cite the following examples as “readily achievable:” making curb cuts in sidewalks, building ramps, repositioning shelves and rearranging furniture. The

regulations also establish an order of order of priority for the removal of barriers. Providing initial public access to the building which sidewalks and parking spaces has the highest priority, followed by providing access to those portions of the building where goods and services are offered to the public; rest room access; and, finally, any other step needed to provide complete and full access to a good or service.

- Providing access to the legislative process, as well as to the physical space in which that process is carried out. This involves providing auxiliary aids to allow legislators and staff to effectively communicate with persons with disabilities and to allow persons with disabilities to effectively participate in the process along with the rest of the public. A wide range of options are available to the Legislature to achieve compliance with the ADA.

The relationship between the ADA and other state laws is clear. The ADA provides a floor, not a ceiling, for state statutes. It does not invalidate or limit the rights and remedies available under any other federal, state or local law that provides greater or equal protection for the rights of individuals with disabilities; thus, any Maine law that requires similar or stronger standards of conduct than the ADA continues to be enforceable. Because the Maine Human Rights Act is consistent with the ADA (in many instances the ADA and the MHRA contain identical provisions), individuals with disabilities have similar rights under both the Maine Human Rights Act and the Americans with Disabilities Act.

THE MAINE HUMAN RIGHTS ACT

The Maine Human Rights Act, originally enacted in 1973, and administered by the Maine Human Rights Commission, prohibits discrimination in employment, housing, education, access to public accommodations, and extension of credit on account of physical or mental disability. The state and its agencies, including the Legislature, are included in the definition of “person” under the Act and subject to its requirements.

The provisions in the Maine Human Rights Act relating to equal access to public accommodations “grandfather” buildings and facilities that were built before September 1, 1974, with the provision that any remodeling or construction that is undertaken within these facilities would have to meet ADA requirements.

The Maine Human Rights Act was amended during the First Regular Session of the 117th Legislature to incorporate those provisions of the federal Americans with Disabilities Act pertaining to the accessibility of goods and services provided by public entities; physical accessibility; and the adoption of the ADA’s definition of “disability.” Like the Americans with Disabilities Act, the Maine Human Rights Act obligates the Legislature to evaluate its existing facilities, programs, services and activities in order to make them readily accessible and usable by individuals with disabilities.

SECTION 504 OF THE REHABILITATION ACT OF 1973

Another federal law that pertains to persons with disabilities is Section 504 of the Rehabilitation Act of 1973. Section 504 provides that no qualified person with a disability shall, on the basis of that disability, be excluded from participation in, denied benefits of or otherwise subjected to discrimination under any program, service or activity which receives or benefits from Federal financial assistance. Generally, Section 504 does not directly affect the Legislature, but it does affect executive departments and agencies that receive funds from the federal government.

SUMMARY

Both the federal and state law protect people who:

- Have a physical or mental impairment that seriously limits at least one major life activity;
- Have a record of such impairment; or
- Are regarded as having such an impairment.

In addition, federal and state law both give each “qualified person with a disability” the following rights:

- The right not to be excluded from participation in the services, programs or activities of a public entity because of the disability;
- The right not to be denied the benefits of the services, programs or activities of a public entity because of the disability; and
- The right not to be subjected to discrimination by a public entity because of the disability.

In sum, the Legislature, like all of state government, must reasonably modify its policies, practices, or procedures to avoid discrimination, unless it can show that a particular change would fundamentally alter the nature of the programs, activity or service. For purpose of compliance with both the ADA and the MHRA, public entities, like the Legislature, are required to achieve overall program accessibility to persons with disabilities.

Although the law prohibits the Legislature from excluding people with disabilities from its programs, services and activities, it provides some flexibility to public entities in meeting the high standard of being “readily accessible” to individuals with disabilities. For example, program accessibility need not always be achieved through physical and structural changes; but public entities are encouraged to seek alternative methods of providing access. Furthermore, public entities are not required to take any action to achieve overall program accessibility if the action will result in a fundamental alteration

of the program, service or activity or if it would create undue administrative or financial burdens. If such a situation exists, however, the public entity must make every effort to find alternative methods to achieve compliance and to ensure that persons with disabilities can participate in the program, service or activity.

II. AUXILIARY AIDS FOR THE DEAF AND HARD-OF-HEARING

In accordance with the statutory requirements, this study has involved research regarding the types of auxiliary aids that are available to assist the deaf and hard-of-hearing. A brief summary of the types of auxiliary aids follows.

INTERPRETERS

Interpreters provide a means for people who are deaf or hard-of-hearing to participate in conversations, meetings and events. Interpreters also help hearing persons to communicate effectively with individuals who are deaf or hard-of-hearing.

Interpreters offer a range of services: American Sign Language; transliteration; and oral interpretation. Whereas **interpreters** can translate from spoken English to American Sign Language and vice versa, **translators** interpret from spoken English to signed English. Oral interpreters paraphrase or mouth silently the spoken message and, if required, voice interpret the speech of a person who is deaf or hard-of-hearing. The manner of interpretation offered should be the choice of the person needing interpretive services.

The pool of trained interpreters in Maine is extremely small. According to the Pine Tree Society's Deaf Services Program, there are approximately 10-12 interpreters who have the qualifications and experience to meet the needs of the Legislature. Legislative hearings and work sessions generally require 2 interpreters to "spell" one another, given the complexity of the content, the spontaneous nature of the discussion, and their duration. Thus, a single legislative hearing could potentially require the use of a substantial portion of the total qualified resource available in the State at any given time.

At present the Legislature employs interpreters on a request basis through one of two agencies in Maine who provide this service: Pine Tree Society and Certified Interpreting Services. The Pine Tree Society is the most widely used by both the Legislature and state agencies. The basic hourly rates for interpreting services range from \$30-\$75 per hour. Interpreting time and travel time are billed at the same hourly rate, and there is a one-hour minimum charge for site time.

In Fiscal Year 1996, the Legislature spent \$2,720 to date for interpreters to assist at public hearings and work sessions.

ASSISTIVE LISTENING SYSTEMS

Assistive listening systems are devices that pick up sounds at or close to their source and deliver them to the user's ear. A variety of permanent and portable systems are available: hard wiring, induction systems, audio loop systems, wireless FM or AM system and wireless infrared systems

Assistive listening systems include large-area listening systems, portable assistive listening systems and the full audio wiring of hearing rooms. These devices are preferred over conventional amplification systems because they pick up on the "main" signal and not background conversations or noise. Often the signal is picked up through the telecoil into the user's hearing aid; thus no other special receivers are required, and the hard of hearing person's perception of the sounds are greatly improved. Assistive listening systems are an attractive option for public facilities with large halls and meeting rooms. These systems rely on a public address system for much of their success. The choice of system depends on a variety of factors, including the intended users, the location, the need for portability, and cost.

This Chart provides an overview of these systems:

System	Advantages	Disadvantages	Typical Applications
Induction Loop <u>Transmitter:</u> Transducer wired to induction loop around listening area. <u>Receiver:</u> Self-contained induction receiver or personal hearing aid with telecoil.	<ul style="list-style-type: none"> • Cost-Effective • Low Maintenance • Easy to use • Unobtrusive • May be possible to integrate into existing public address system. • Some hearing aids can function as receivers. 	<ul style="list-style-type: none"> • Signal spills over to adjacent rooms. • Susceptible to electrical interference. • Limited portability • Inconsistent signal strength. • Head position affects signal strength. • Lack of standards for induction coil performance. 	<ul style="list-style-type: none"> • Meeting areas • Theaters • Churches and Temples • Conference rooms • Classrooms • TV viewing
FM <u>Transmitter:</u> Flashlight-sized worn by speaker. <u>Receiver:</u> with personal hearing aid via DAI or induction neck-loop and telecoil; or self-contained with earphone(s)	<ul style="list-style-type: none"> • Highly portable • Different channels allow use by different groups within the same room. • High user mobility • Variable for large range of hearing losses. 	<ul style="list-style-type: none"> • High cost of receivers • Equipment fragile • Equipment obtrusive • High maintenance • Expensive to maintain • Custom fitting to individual user may be required. 	<ul style="list-style-type: none"> • Classrooms • Tour groups • Meeting areas • Outdoor events • One-on-one
Infrared <u>Transmitter:</u> Transmits signals via infrared light. <u>Receiver:</u> Self-contained or with personal hearing aid via DAI or induction neckloop and telecoil	<ul style="list-style-type: none"> • Easy to use • Insures privacy or confidentiality • Moderate cost • Can often be integrated into existing public address system. 	<ul style="list-style-type: none"> • Ineffective outdoors • Limited portability 	<ul style="list-style-type: none"> • Theaters • Churches and Temples • Auditoriums • Meetings requiring confidentiality

CLOSED CAPTIONING

Captioning is the process by which the audio part of a videotape or film is transcribed and made visible on the screen to be read by people with hearing difficulties.

Closed captions are visible only if the television monitor is equipped with a decoder; open captions are always visible. Installation of a permanent or portable closed captioning system in the Senate and House chambers and in some or all of the legislative hearing rooms is an option which should be considered if the Legislature should undertake a major rewiring project in the future.

Computer-aided real-time captioning (also referred to as real-time reporting), is effective for those individuals who are deaf or hard-of-hearing and are able to read English fluently. An individual, called a real-time reporter, would type what is said during floor debate or a public hearing, and the text would simultaneously be displayed on a computer screen, video monitor or projection screen.

While computer-aided real time captioning may be particularly suited to legislative settings, it is a new technology. There are, at present, very few individuals in Maine with the computer equipment and skills to support this technology. Installation of such a system in the Legislature would require new computer hardware and software, and training of legislative employees to use this system. Because this equipment is portable, it may be possible to contract this service on an as needed basis once the technology becomes more widely-available.

Gradient of Auxiliary Services/Aids and Associated Costs

Type of Service / Aid	Individuals served by Service / Aid	Cost of Service /Aid
Portable Assistive Listening Devices 1. Induction Loop 2. FM Transmitter 3. Infrared System	Hard-of-Hearing	\$350-\$900 for System \$600-\$1,000 for Transmitter and \$100-\$500 for Receivers \$415-\$800 for Transmitter and \$90-\$195 for Receivers
Interpreting Services	Deaf	\$30-\$50 an hour per interpreter plus travel costs
Closed Captioning	Deaf & Hard-of-Hearing	Technology not accessible Very expensive
Hard Wiring of Hearing Rooms/ Large Area Listening Systems	Hard-of-Hearing	Expensive Not feasible without overhaul of existing sound system

III. LEGISLATURE'S COMPLIANCE WITH STATUTORY REQUIREMENTS

Both the Americans with Disabilities Act and the Maine Human Rights Act require the Legislature to provide overall access to both its facilities and its services for people with disabilities.

In order to evaluate the Legislature's compliance with federal and state law in this area, a facilities audit was conducted in the State House in conjunction with this study.¹ The audit, conducted on September 20, 1995 used "ADA Checklist for Existing Facilities version 2.1," a checklist originally produced for the National Institute on Disability and Rehabilitation Research. While the impetus for the study was access to services for the deaf and hard-of-hearing, the self-evaluation encompassed compliance with the statutory obligations relating to all types of disabilities.

Since the ADA's enactment in 1990, the Legislature has taken significant corrective measures and made strong progress towards full compliance. Activities undertaken under the auspices of the Legislative Council have been augmented by the efforts of individual offices, which have assessed their own services and implemented changes on an ongoing basis. Some of the improvements include, but are not limited to, the following services:

- TTY phones have been installed in the Law & Legislative Reference Library, the Clerk's Office, the Secretary of the Senate's Office and the Legislative Information Office.
- Staff members in each of these offices have been trained on how to receive and make calls using the TTY. The TTY phone in the Library is available for use by the general public as well as by office staff.
- In accordance with policy adopted by the Legislative Council in 1990, the Legislative Information Office makes arrangements, upon request, for interpreters for legislative committee meetings. The Clerk's Office has assumed responsibility for arranging for interpreters for these joint conventions of the Legislature that are televised statewide.
- The Law and Legislative Reference Library has the capability to provide legislative documents in large print for persons with visual impairment. Most offices have the capability to enlarge documents on a photocopier.

Entrances to the Senate and House Chambers, committee rooms, and bathrooms are wheelchair accessible; and there are also wheelchair accessible phones.

• ¹ Offices assigned to the Governor in the State House were not included in the facilities audit.

Overall, the State House is accessible to persons with disabilities. While those offices and materials located on mezzanine levels are not physically accessible, (Law Library; Clerk's Office; Information Systems Office) each of the affected offices is able to make alternative arrangements which meet the statutory requirement for access. Improvement of access to existing services is an ongoing process which requires frequent reassessment; and it is important that the Legislature continue to identify opportunities to improve access existing structures and services to the State House, taking into account the historical nature and importance of the State House.

Summary of Facilities Audit

Parking and Outside Entrances to the State House

The parking lot, which is under the jurisdiction of the Bureau of General Services, provides for eight designated handicapped parking spaces in close proximity to the building. While the number of spaces is in compliance, the spaces do not currently have the required 5 foot access aisle for cars and the 8 foot access aisle for each accessible van space. A sign is also needed to designate the van accessible space.

The handicapped accessible entrance leading into the State House has a slope to the ramp that is within the recommended range. Currently, this ramp has neither a railing or a nonslip surface.

Neither the north or south entrances to the State House are handicapped accessible. In accordance with ADA recommendations signs should be installed some distance before inaccessible entrances so that people do not have to retrace their approach to reach an accessible entrance. The tunnel connecting the State Office Building and the State House has a slope that is above the recommended slope; and there is anecdotal information that the tunnel presents difficulties for both individuals with disabilities and those without disabilities.

First Floor

The first floor of the State House appears generally to be in compliance with ADA. Generally, all rooms, hallways, and common areas on this floor are accessible by disabled persons. The Press Offices are accessible by use of a lift located at the Press entrance, however, the door accessing this lift opens outward and requires some force to open it. While the counter on the reception desk in the Revisor's Office is higher than the recommended accessible level of 28-34 inches, it was designed to protect casual viewing of confidential documents. The bathrooms on this level are wheelchair inaccessible; however, there are others in the building that are accessible, thus meeting ADA standards.

Second Floor

While two areas on this level are not "ambulant" accessible -- the Information Systems Office (computer services) and the porch, which is accessed by 3 steps from the Hall of Flags, -- the Legislature does satisfy the statutory requirements regarding accessibility in both cases. Services available through the Information Systems Office can be fully-accessed from other points in the State House that are accessible. Because the porch is considered to be "historically significant," modifications are not required by law. The women's bathroom on this floor is one of two accessible women's bathrooms in the building.

The Law and Legislative Reference Library appears to be in compliance with all access criteria with the following exceptions: the service counter is higher than the recommended level of 28-34 inches high; the carpet at the main entrance tends to roll making wheelchair use difficult; space between stacks, tables, and the Northeast wall does not meet the recommended 36 inch travel space allocation. As noted previously, the mezzanine level is not accessible for those who are ambulant disabled; however, the materials housed on this level are fully available. The Law Library has a TTY phone available for public use. Legislative documents in large print are also available through the library.

Third Floor

All but two areas are accessible to those unable to use stairs on this level: the front porch and the Mezzanine level in the Clerk's Office. Neither of these areas constitutes non-compliance with the law due to their nature. The Council Chambers and the House Offices are accessible by an elevator that opens into the House Democratic Offices. The counters in the Document Room and Legislative Information Office are above recommended accessible height of 28-34 inches. Both women's and men's bathrooms on this level are accessible.

Both the Senate and House Chambers meet accessibility requirements of the law; and in both chambers some members who are hard-of-hearing have been supplied with adapters which amplify the public address system. In addition, tapes and the transcribed Legislative Record are both available on an up to date basis in both bodies. The Clerk's Office, the Secretary of the Senate's Office, and the Legislative Information Office each have a TTY phone available to make and receive calls. There are wheelchair accessible phones next to the south elevator.

Fourth Floor

The meeting rooms on this floor are accessible, given that chairs and furniture can be moved on an 'as needed' basis. The ramp connecting the hearing rooms in the West Wing with the Rotunda has a loose railing, and the tread is ripped in places. Improving access to this area has been identified as a priority. A wheel chair lift in room 401, which provides access to the House Gallery, is frequently used during session. Both the Senate and House Galleries have platforms in place for wheelchair accessibility.

General Accessibility

The **elevators** in the building are accessible for those with physical disabilities. although the south elevator has the standard tone indicators for the visually disabled as recommended by the ADAAG, the north elevator does not have these audible signals. The locations of the call buttons are higher than the recommended accessible height of 42 inches.

The Legislative Council has completed the first phase of converting door hardware to a levered handle that meets ADAAG requirements. A second phase, scheduled for the summer of 1996, will complete this project. The height of the bevels on the door thresholds on the 2nd, 3rd and 4th floors exceeds the 3/4 inch recommended height; and options for correcting these are currently being studied. Doors in the building that do not have lever handles are not operable with a closed fist, which is a test for accessibility.

The spouts on the **water fountains** in the State House are higher than the recommended accessible height of 36 inches. The provision of cup dispensers, accessible coolers or the replacement of controls are options for addressing this issue.

Signage is needed through the building to direct both the general public and disabled persons to elevators, bathrooms, accessible entrances, hearing rooms and other permanent room or service locations. This issue is being addressed, and signage is scheduled to be installed prior to the convening of the 118th Legislature.

In summary, the facilities audit revealed that the State House is in substantial compliance with the requirements of the Maine Human Rights Act and the Americans with Disabilities Act of 1990. Significant corrective measures have been taken by the Legislature during the past few years to achieve compliance.

IV. FINDINGS AND RECOMMENDATIONS

This study has documented that the Legislature has substantially complied with its statutory obligations relating to physical accessibility. As the Legislative Council strives to enhance accessibility however, there are several areas where improvements to access can be made. The recommendations that follow address the needs of both the deaf and heard-of-hearing and persons with other disabilities, with the objective of pursuing full and equal access to the Legislature and its services.

AUXILIARY AIDS FOR THE DEAF AND HARD-OF-HEARING

Interpreting Services

The Legislative Council should explore a contractual relationship with one or more qualified providers of interpreting services, with the objective of increasing access to this service.

The problem that both the Legislative Council and Executive branch departments and agencies have in providing interpreting services for the deaf may be traced to the shortage of qualified, trained interpreters in the State of Maine. Without an adequate pool of trained interpreters to meet the demand for services, the Legislature, along with the rest of the public and private sectors, will continue to face difficulty in finding interpreters for the deaf. There is general agreement among advocates for the deaf community and the private and public sectors that the long-term solution to the interpreter shortage is to increase the numbers of trained interpreters. Interest has been growing within the State for the establishment of a degree or certificate program for interpreters in the university system; and, the University of Southern Maine is currently working to develop an American Sign Language interpreting program.

The Legislative Council's current policy was designed to address the need for special services such as interpreting for public hearings and work session upon request at least seven days in advance. Due to the limited number of interpreters who are qualified to interpret in the legislative setting, interpreters have been very difficult to arrange for public hearings and work sessions even in instances where a great deal of notice is given. In the course of this study, it became apparent that interpreters might be used more widely in other legislative meetings to facilitate full communication among legislators, members of the general public and legislative staff. By negotiating a formal contractual arrangement one of the three agencies that provide interpreters on a fee basis, the Legislative Council can help to ensure that its requests will be treated on a priority basis.

The Legislature's joint standing committees should work with the presiding officers and legislative staff to identify those bills that are of interest to the deaf and hard-of-hearing early in the legislative session and schedule public hearings and work session when interpreters can be present.

The demand for certified interpreters far exceeds the current availability of this resource in Maine. In order to assure that deaf and hard-of-hearing persons can participate in the process, it is imperative that committees plan ahead. For example, the Judiciary Committee identified two bills of interest to the deaf community early during the First Regular Session in 1995. The Committee scheduled the hearing and work sessions for dates only after it had been confirmed that interpreters could be present. While the dynamics of the legislative process may not always lend itself to this method of scheduling, it should be employed whenever possible. The cooperation of committees is essential.

Portable Assistive Listening Devices

The Legislative Council should authorize the purchase one portable assistive listening system that can be used in committee rooms as needed to allow the hard-of-hearing greater access to the legislative process.

Many committee rooms do not have any amplification systems at all, and those amplification systems that are available in some committee rooms are not generally adequate. The use of a portable assistive listening device would allow the Legislative Council to better gauge the level of service needed by hard-of-hearing individuals and fill a void in the current services made available to these individuals. While the ultimate goal of the Legislative Council should be the installation of permanent assistive listening devices in the House and Senate Chambers and in committee hearing rooms, the purchase of one or more portable systems in the meantime will address the immediate needs of the hard-of-hearing.

An evaluation of the portable assistive listening devices currently available indicates that an infrared system would meet the Legislature's need more effectively than either an FM or AM transmitter or a loop system. The infrared system is highly portable, resistant to interference and compatible with an installed sound system. It is currently being used successfully in several court systems throughout the United States. The estimated cost of a portable infrared system with a transmitter and four receivers is under \$2,000. Receivers for this system are self-contained units with earphones or individuals can receive the signals through a hearing aid with an induction loop and a telecoil. A proposal for purchase of an assistive listening system is provided in Appendix G.

The Legislative Council should evaluate the level of use of the portable assistive listening system to determine if the purchase of additional systems is necessary.

With an initial purchase of one infrared system with receivers for four individuals, the Legislative Council should evaluate the use of the system and make the decision to purchase additional systems on the basis of the demand for these.

Large Area Listening Systems And Hard Wiring Of Hearing Rooms

The Legislative Council should develop a long-range plan for the hard wiring of both hearing rooms and the Senate and House chambers in conjunction with an upgrade of the Legislature's existing sound system.

Since a study and evaluation of the existing sound system indicates that the system needs upgrading, the installation of permanent assistive listening systems for the heard-of-hearing should be done in conjunction with an overhaul of the current sound system. Until a plan for permanent improvement to the system is put into place, the use of portable assistive listening systems can accommodate the needs of the hard of hearing for access to legislative services. The installation of permanent assistive listening systems will require significant financial commitment and can be undertaken in the most cost-effective manner in conjunction with the upgrade of the current sound system.

Closed Captioning

Computer assisted real time captioning is not feasible for the Legislature at this time.

Captioning is an auxiliary aid accessible by both the deaf and the hard-of-hearing and it may be an option for the Legislature in the future. Computer assisted real time captioning is an exciting, but still developing, technology. Because of its recent development, the technology is very expensive and labor intensive, and it is not widely available in Maine. Until the technology becomes more accepted and widely used, the Legislature should not invest its resources in it. However, CART technology should be continually evaluated for its feasibility for the Legislature.

IMPROVEMENTS TO EXISTING LEGISLATIVE SERVICES

While the law mandating this study focused on services for the deaf and hard-of-hearing it provided an opportunity to evaluate the Legislature's overall approach to making its programs, services and activities accessible for persons with all types of disabilities. As a result, several areas have been identified where the Legislative Council can undertake improvements to improve services to the disabled community.

The Legislative Council should develop and adopt a written policy in response to the Americans with Disabilities Act.

The Legislative Council has made considerable efforts toward meeting the needs of persons with disabilities relating to access; and the Legislature has generally achieved compliance with the Americans with Disabilities Act and the Maine Human Rights Act. However, a written policy defining the Legislature's approach to persons with disabilities has not been developed. The Legislative Council should develop such a policy to conform to its

statutory obligations and to reinforce its continuing commitment to making the Legislature accessible to persons with disabilities. In conjunction with developing this policy, the Legislative Council should implement a complaint procedure and name a coordinator among staff to monitor statutory compliance and respond to complaints. A template for a written policy, including a complaint procedure is provided in Appendix C.

The Legislative Council should develop an education and training program for both legislators and legislative staff to promote awareness of the Americans with Disabilities Act and the services available to persons with disabilities.

In addition to developing a written policy, the Legislative Council should also work to institute training and awareness programs for legislators and staff. Training should be provided in the use of auxiliary aids, including TTY machines, portable assistive listening devices, and interpreters in the Legislature. In addition, materials should be prepared that provide guidance for interacting and communicating with persons with disabilities. A detailed listing of the services that the Legislature provides to persons with disabilities should be distributed to both legislators and staff.

The Legislative Council should include information about the services available to persons with disabilities in all relevant publications.

Because the Legislature's proceedings are of such importance to the public, it is important for the Council to ensure that general information about access for persons with disabilities is routinely included in legislative meeting notices and in legislative publications. The availability of TTY machines and their phone numbers should be included on the appropriate office letter head and in the legislative hearing and meeting calendars that are published by the Senate President during the session and by the Clerk's Office. Information for persons with disabilities should be developed to outline the available services, the physical layout of the Capitol complex, location of emergency exits and areas of rescue assistance, the Legislature's ADA policy and any other pertinent information that committees have developed. This information should also be incorporated in the brochure available to visitors to the State House. Appendix E summarizes the types of information that should be routinely included.

The Legislative Council should continue to make improvements throughout the building to improve access and achieve full compliance with the requirements of state and federal law.

The audit of the Legislature's facilities identified a number of areas where changes are necessary to meet the recommended accessibility guidelines of the Americans with Disabilities Act. These changes include:

- Adding adequate signage;
- Completing the installation of levered door handles;
- Leveling thresholds in doorways;
- Adding audio tones to elevators;

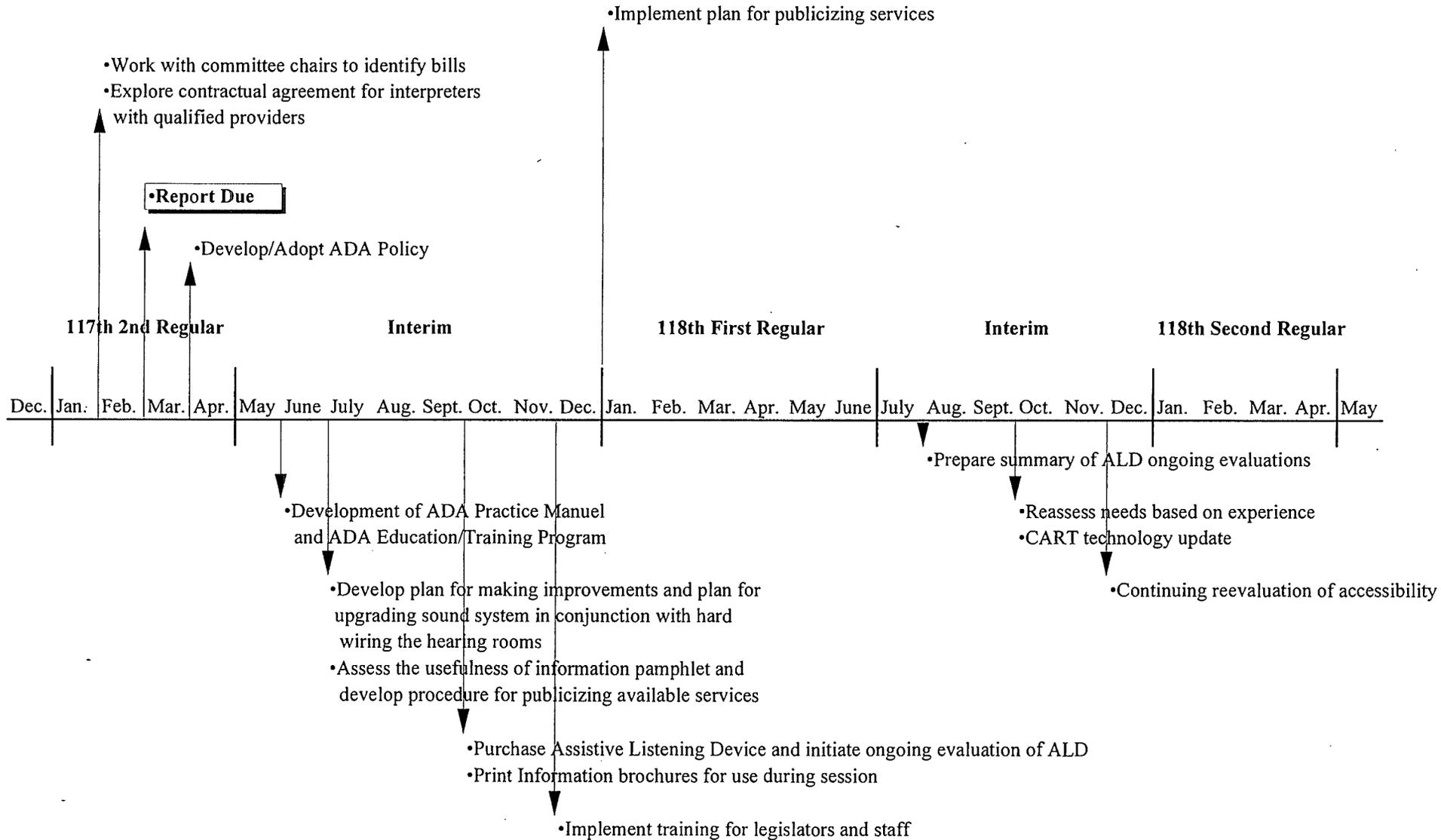
- Lowering elevator call buttons on each floor; and
- Modifying handicapped parking spaces.

The Legislative Council should also evaluate the need for additional TTY machines. Over the next biennium, the Legislative Council should develop a work plan and schedule for making these improvements in a manner that is consistent with the historical nature and significance of certain areas.

The Legislative Council should implement a process for the continuing evaluation of its compliance with the Americans with Disabilities Act and the Maine Human Rights Act and the accommodations made available to persons with disabilities.

The Legislature has an ongoing responsibility to maintain compliance with both state and federal law relating to persons with disabilities and to act in good faith to meet its statutory obligations. By developing a process to evaluate compliance, the Legislative Council will demonstrate its continued commitment to accessibility of its programs, services and activities to all. A sample evaluation form to be completed by persons that participate in the legislative process is provided in Appendix F.

Tentative Timeline for Implementation of ADA Recommendations



Appendix A

Authorizing Legislation for the Study

Chapter 426, P.L. 1995

CHAPTER 426

H.P. 465 - L.D. 631

An Act to Increase Access to the Legislature and Government Services for Persons Who Are Deaf or Hard of Hearing and to Make Progress towards Compliance with the Americans with Disabilities Act

Be it enacted by the People of the State of
Maine as follows:

Sec. 1. 5 MRSA §48, as amended by PL
1993, c. 708, Pt. J, §1, is further amended to read:

§48. Interpreter service for the deaf and hard of hearing

1. **Definitions.** As used in this section, unless
the context otherwise indicates, the following terms
shall have the following meanings.

A. "Compensation" means the fee for an inter-
preter's time of service as provided by an ap-
pointed qualified interpreter.

A-1. "Client" means a person who is deaf, hard
of hearing impaired or hearing who is rendered
interpreting services by a privileged interpreter.

A-2. "Confidential communication" means a
communication that a client has a reasonable ex-
pectation is not being disclosed to persons other
than a privileged interpreter and any client to
whom the communication is intended to be
made.

B. "Deaf person" means a person whose sense of
hearing is nonfunctional for the purpose of ordi-
nary communication and who must depend pri-
marily upon visual communication.

C. "Directory" means a listing of all qualified
interpreters in the State.

D. "~~Hearing-impaired~~ Hard-of-hearing person"
means a person whose sense of hearing is defec-
tive, but still functional, with or without ampli-
fication who has a hearing loss resulting in a
functional loss, but not to the extent that the per-
son must depend primarily upon visual commu-
nication.

E. "Interpreting agency" means an agency
whose function is to provide qualified interpreter
services for a fee, including travel expenses.

E-1. "Privileged interpreter" means a person
identified by clients as necessary to facilitate ac-
curate communication between the clients and

who otherwise has no substantial personal or
business interest in the communication.

F. "Proof of deafness or being hard of hearing
impairment" means reasonable proof ~~which that~~
a state agency or county may require a person
requesting the appointment of a qualified inter-
preter or a qualified person to furnish when it has
reason to believe that the person is not deaf or
hard of hearing impaired.

G. "Qualified interpreter" means a person with
who has the knowledge and demonstrated
understanding of the code of ethics ~~of as written by~~
the National Registry of Interpreters for the Deaf,
Inc., who is able to ~~recognize the comprehension~~
level of a deaf or hearing impaired person and is
able to communicate effectively in a mode of
communication used by the deaf or hearing im-
paired person and to interpret accurately the
statements of the deaf or hearing impaired person
accurately interpret, both receptively and ex-
pressively, in American Sign Language and
English and who is able to communicate effec-
tively with the parties involved.

H. "Agency" means any authority, board, bu-
reau, commission, department or officer of State
Government, or of any county, municipality,
school district or any other political or adminis-
trative subdivision.

I. "Travel expenses" means actual expense for
transportation reimbursable at the usual state
mileage rate, tolls, parking fees or other fees
specified in an agreement between an interpreter
or an interpreter agency and an agency or court
retaining the services of the interpreter at a spe-
cific date, time and place.

2. **Interpreter services required.** A qualified
interpreter ~~shall be~~ is appointed as follows.

A. Whenever any personal or property interest
of a deaf or ~~hearing-impaired~~ hard-of-hearing
person is the subject of a proceeding before any
agency or court, the presiding officer of the pro-
ceeding shall, in consultation with the deaf or
~~hearing-impaired~~ hard-of-hearing person, appoint
a qualified interpreter.

B. In appointing a qualified interpreter, the pre-
siding officer shall give first consideration to
persons who are certified by the National Regis-
try of Interpreters for the Deaf, Inc.

C. The presiding officer may require proof of
deafness or being hard of hearing impairment
prior to appointing a qualified interpreter.

D. The interpreter ~~shall~~ must be appointed after consultation with the deaf or ~~hearing-impaired~~ hard-of-hearing person. If the appointed qualified interpreter does not meet the needs of the deaf or ~~hearing-impaired~~ hard-of-hearing person, the presiding officer shall, with the consent of the deaf or ~~hearing-impaired~~ hard-of-hearing person, appoint another qualified interpreter.

3. Interpreting services and coordination for interpreters; request to the Office of Rehabilitation Services; interpreter compensation; continuation of services. Interpreting services and coordination for interpreters are governed as follows.

A. With the cooperation of the Maine Association of the Deaf and the ~~National~~ Registry of Interpreters for the Deaf, Inc., the Office of Rehabilitation Services is authorized and directed to prepare and continually update a listing of qualified and available interpreters.

B. When requested by an agency or court, the Office of Rehabilitation Services shall furnish the agency or court with a directory of information on appropriate and qualified interpreter sources.

C. An interpreter appointed under this section must be reimbursed by the Office of Rehabilitation Services, upon certification by the appropriate agency or court of services performed, at a fixed rate reflecting the current fee schedule as established by the Office of Rehabilitation Services, plus travel expenses; except that employees of the State or any of its political subdivisions, public employees and public or private school, university and college teachers or administrators for interpreting services or anyone who receives salary during regular work hours may not be reimbursed under this section for interpreter services performed during their regular working hours. Nothing in this section prevents any agency or court from employing a qualified interpreter on a full-time basis or under contract at a mutually agreed upon compensation rate.

D. It is the sole responsibility of the Director of the Office of Rehabilitation Services to ensure implementation and continuation of the provisions of this section.

4. Privileged communication. Except when a court in the exercise of sound discretion determines the disclosure necessary to the proper administration of justice, a privileged interpreter may not disclose any aspect of a confidential communication facilitated by that interpreter unless all clients of the privileged interpreter privy to that communication consent to the disclosure.

Sec. 2. Report from Legislative Council and state accessibility office. The Executive Director of the Legislative Council, on behalf of the Legislature, and the state accessibility office within the Department of Education, Office of Rehabilitation Services, on behalf of the Executive Department, shall submit reports to the Joint Standing Committee on Judiciary and the Joint Standing Committee on State and Local Government by March 1, 1996. The reports must address the use of closed captioning and large-area listening systems in all facilities used for public meetings and public legislative functions, the provision of portable assistive listening systems and full audio wiring of all legislative hearing rooms and the provision of interpreting services for legislative business. The reports must include plans to achieve compliance with all requirements of state and federal law regarding the deaf and hard of hearing. The reports must include a schedule for achieving compliance and a listing of all tasks, services and costs involved and any necessary legislation.

Appendix B

Facilities Audit for the State House
Conducted September 2, 1995

Chart and Annotated Floorplan

ADA Facilities Audit - State House

Recommended Modifications

	First Floor	Second Floor	3rd Floor	4th Floor
I. Accessible Approach/Entrance				
Route of Travel <small>*use of stairs not required</small>		NA	NA	NA
Ramps	Add railing along ramp into the building	NA	NA	Tighten railings and replace tread.
Tunnel to State Office Building	Modify slope to bring into recommended ratio of 1:12	NA	NA	NA
Parking and Drop-Off Areas	Create access aisles in parking areas of 5 ft. for cars and 8 ft. for van accessible space. Designate one van accessible space.	NA	NA	NA
Entrance	Add signage at inaccessible entrances with directions to nearest accessible entrance.	NA	NA	NA
II. Access to Goods and Services				
Horizontal Circulation <small>*Accessible entrance provides direct access to main floor, lobby or elevator)</small>	Add kiosk for building in key locations.	NA	NA	NA
Doors	Add door lever extensions. Remove or modify threshold bevels which are higher than 3/4 inch. Secure carpeting or mats at edges.			

* Comments indicate suggested changes to improve accessibility to the Legislature for persons with disabilities. These changes are not required to achieve compliance with the ADA or the The Maine Human Rights Act.

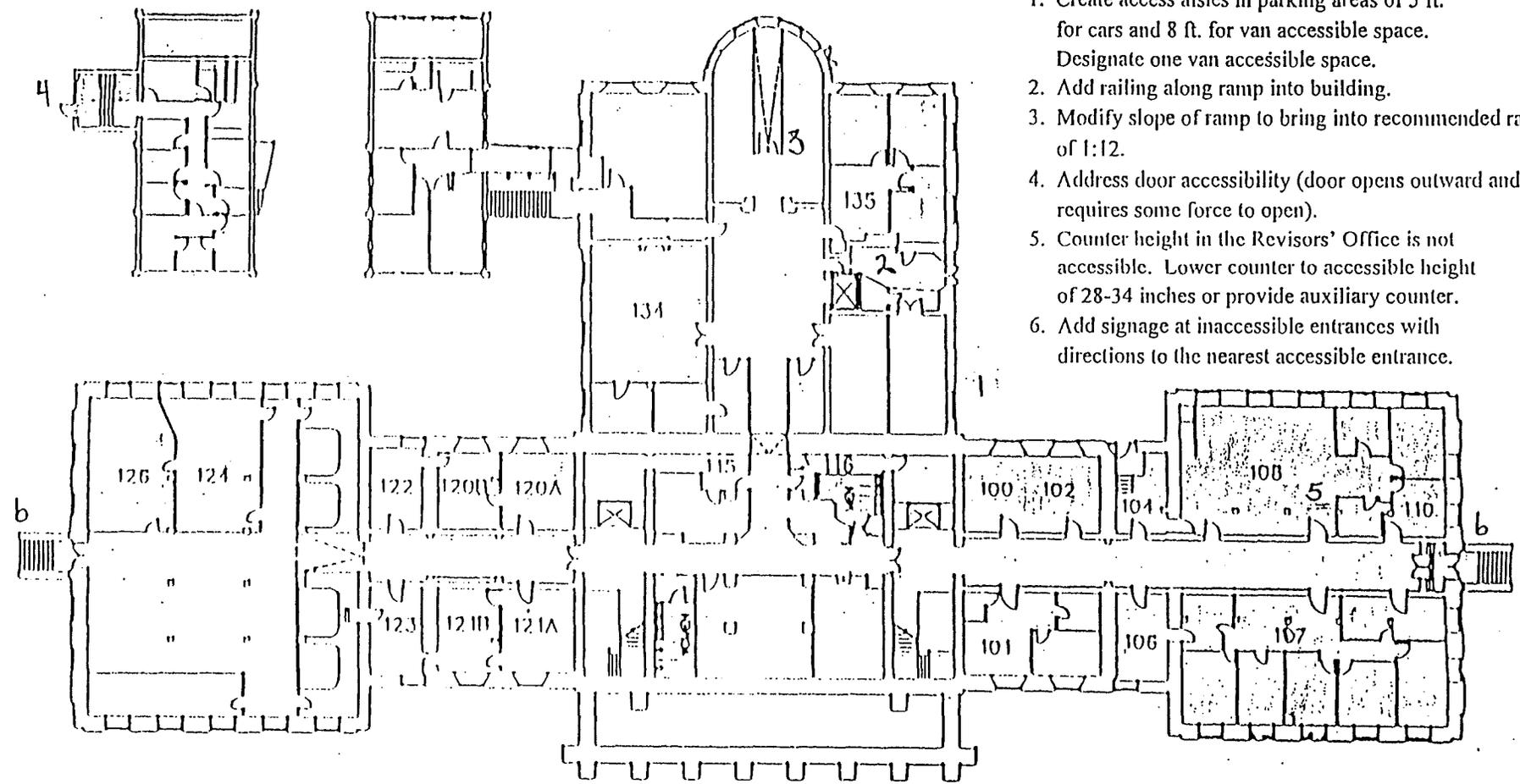


	First Floor	Second Floor	3rd Floor	4th Floor
Rooms and Spaces	With awareness of the needs of persons with disabilities, all rooms can be made accessible by moving chairs and other furniture. Pine Tree Society (Interpreting Agency) has suggestions for room setup when interpreter are present.			
Emergency Egress				
*Emergency systems have both flashing lights and audible signals				
Signage for Goods and Services	Provide signs that have raised letters, Braille, and that meet all other recommendations for permanent room or space signage. Pictograms need to be accompanied by raised letters and Braille.			
Directional and Informational Signage	Review requirements and replace signs as needed, meeting recommendations for character size, contrast, and finish. Building directories or temporary signs need not comply.			
Controls		Lower microphone systems to accessible height.		Lower microphone systems to accessible height.
*All controls that are available for use by the public are located at an accessible height				
Seats, Tables, Counters	Lower part or all of ROS counter to accessible height of 28-34" or provide auxiliary counter/table.	Address accessible route of travel in Library between the stacks and tables.	Lower part or all of Bill Document and Legislative Information counters to accessible height of 28-34" or provide auxiliary counter/table.	
Vertical Circulation		Develop accessibility plan for Information Systems Offices. Establish alternative access for Mezzanine level in Library.	Develop accessibility plan for Mezzanine level in the Clerk's Office.	
Stairs	NA	Add tread with non-slip surface to stairs.	Add tread with non-slip surface to stairs.	NA
*Connecting levels not serviced by an elevator, ramp or lift				

* Comments indicate suggested changes to improve accessibility to the Legislature for persons with disabilities. These changes are not required to achieve compliance with the ADA or the The Maine Human Rights Act.



1. Create access aisles in parking areas of 5 ft. for cars and 8 ft. for van accessible space. Designate one van accessible space.
2. Add railing along ramp into building.
3. Modify slope of ramp to bring into recommended ratio of 1:12.
4. Address door accessibility (door opens outward and requires some force to open).
5. Counter height in the Revisors' Office is not accessible. Lower counter to accessible height of 28-34 inches or provide auxiliary counter.
6. Add signage at inaccessible entrances with directions to the nearest accessible entrance.

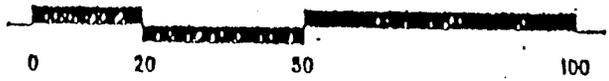


FIRST FLOOR PLAN

General Considerations for Building

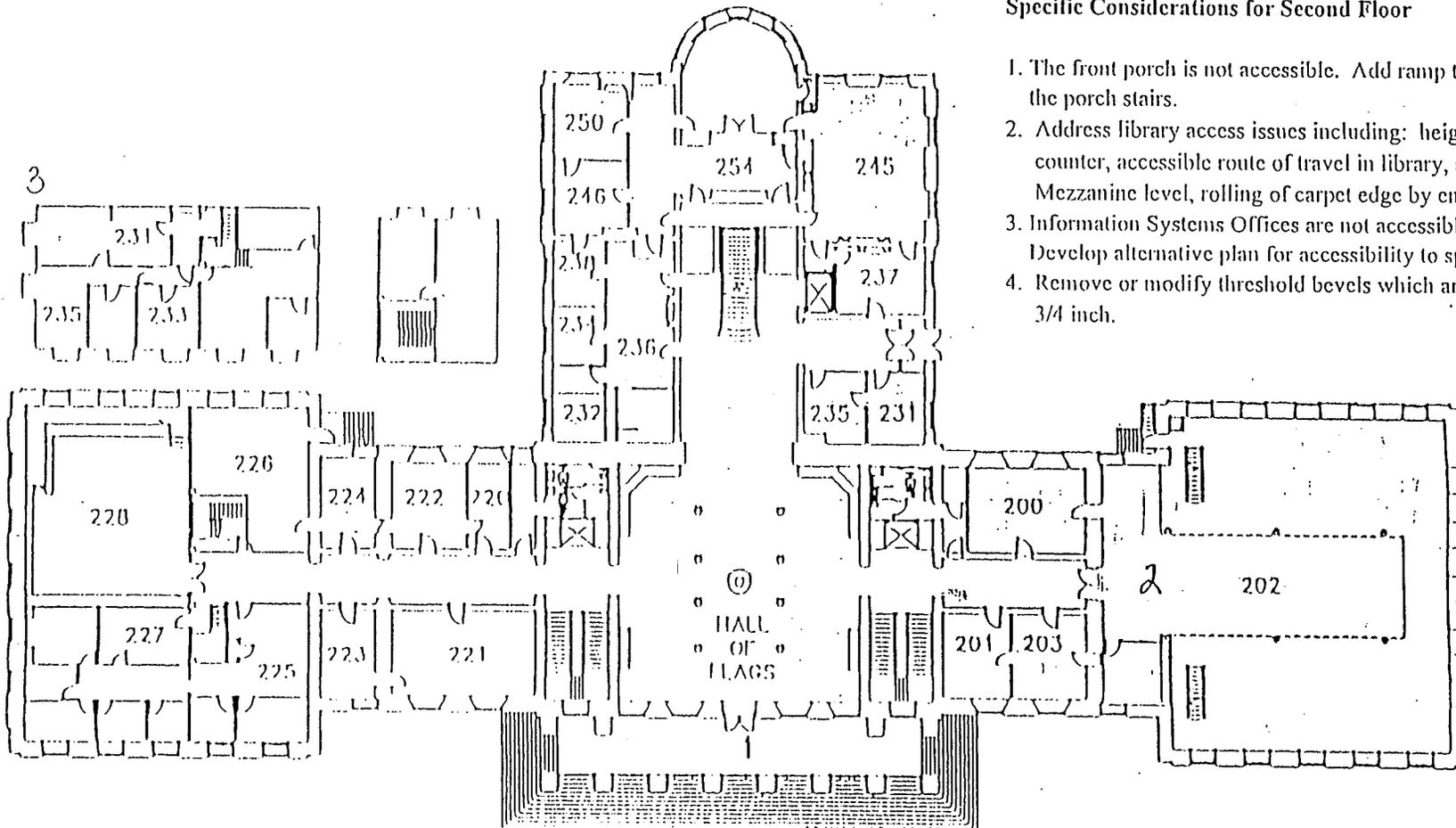
- Add door lever extensions.
- Add signage for door numbers, bathroom accessibility, accessible telephones, elevator locations, permanent room/service locations.
- Add kiosk for building in key locations for access to services.
- Spout on water fountain is higher than the accessible height of 36 inches. Provide cup dispensers for fountains with spouts that are too high; provide accessible cooler or replace controls.
- Rewire audible indicators in elevators. Lower call buttons or provide a permanently attached reach stick.

SCALE (FEET)



Specific Considerations for Second Floor

1. The front porch is not accessible. Add ramp to the porch stairs.
2. Address library access issues including: height of service counter, accessible route of travel in library, access to Mezzanine level, rolling of carpet edge by entrance.
3. Information Systems Offices are not accessible. Develop alternative plan for accessibility to space.
4. Remove or modify threshold bevels which are higher than 3/4 inch.

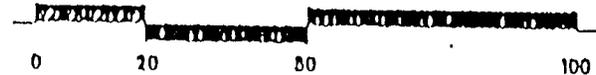


SECOND FLOOR PLAN

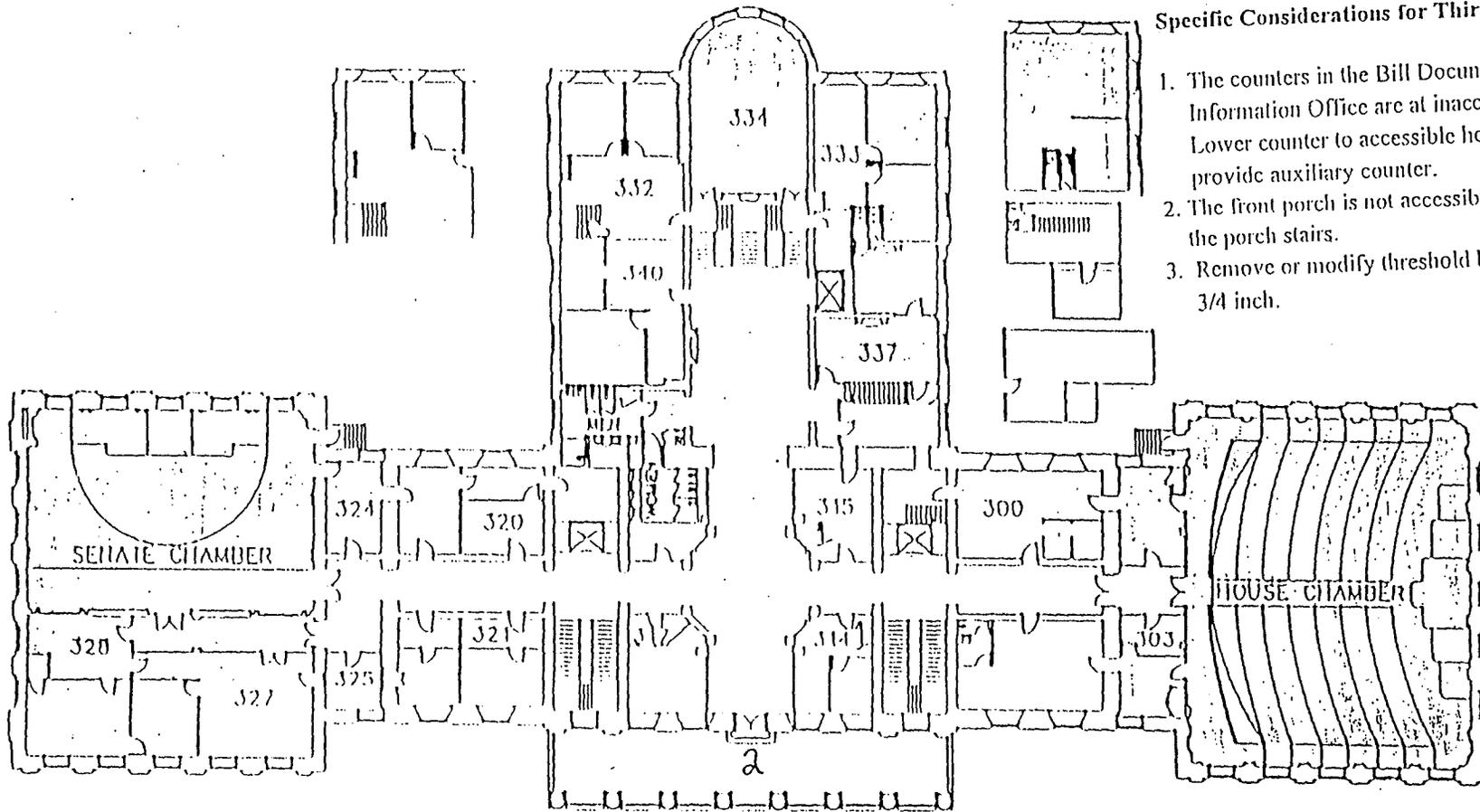
General Considerations for Building

- Add door lever extensions.
- Add signage for door numbers, bathroom accessibility, accessible telephones, elevator locations, permanent room/service locations.
- Add kiosk for building in key locations for access to services.
- Spout on water fountain is higher than the accessible height of 36 inches. Provide cup dispensers for fountains with spouts that are too high; provide accessible cooler or replace controls.
- Rewire audible indicators in elevators. Lower call buttons or provide a permanently attached reach stick

SCALE (FEET)







Specific Considerations for Third Floor

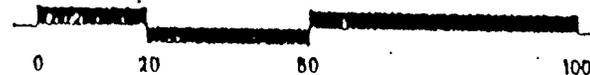
1. The counters in the Bill Document room and the Legislative Information Office are at inaccessible heights. Lower counter to accessible height of 28-34 inches or provide auxiliary counter.
2. The front porch is not accessible. Add ramp to the porch stairs.
3. Remove or modify threshold bevels which are higher than 3/4 inch.

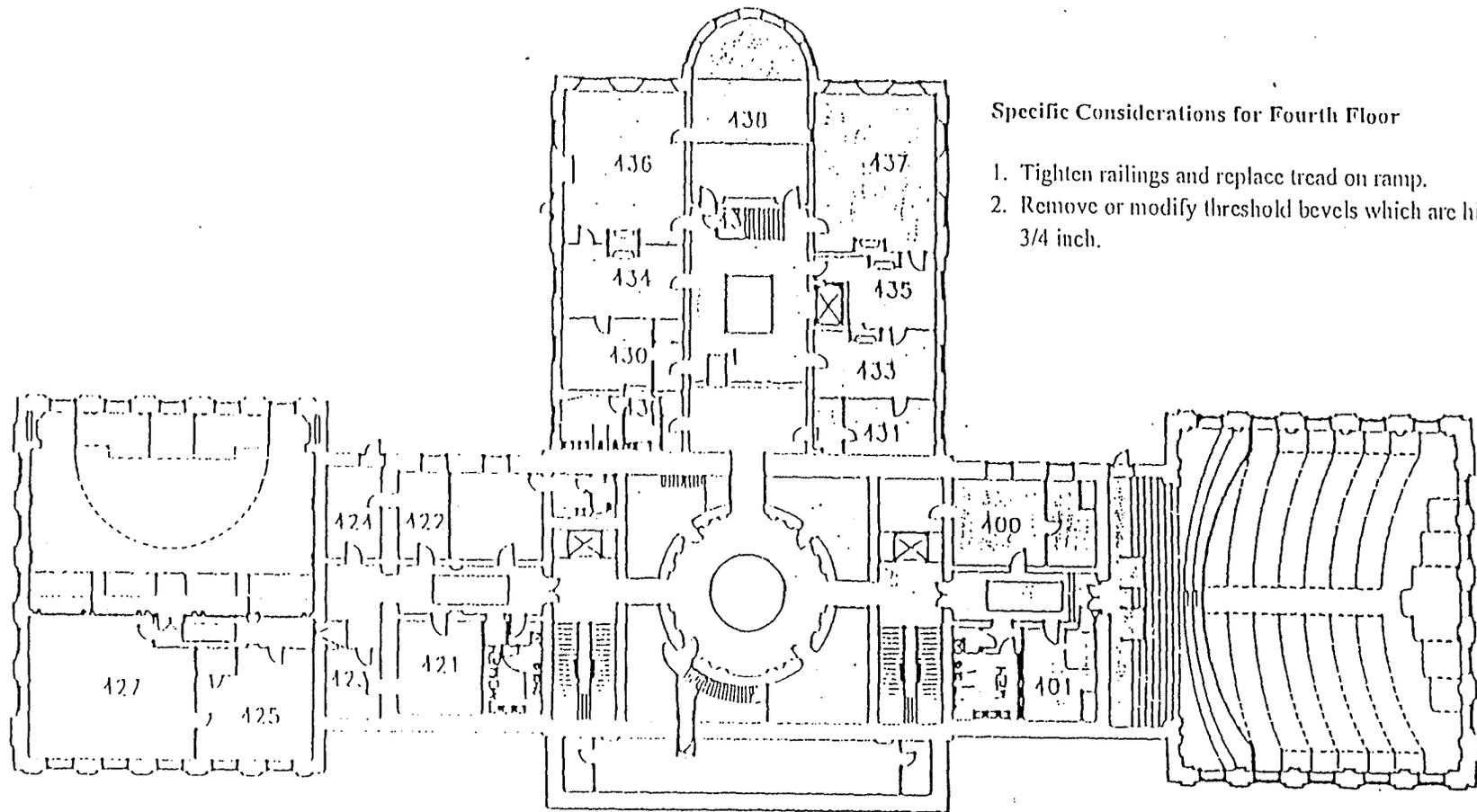
THIRD FLOOR PLAN

General Considerations for Building

- Add door lever extensions.
- Add signage for door numbers, bathroom accessibility, accessible telephones, elevator locations, permanent room/service locations.
- Add kiosk for building in key locations for access to services.
- Spout on water fountain is higher than the accessible height of 36 inches. Provide cup dispensers for fountains with spouts that are too high; provide accessible cooler or replace controls.
- Revire audible indicators in elevators. Lower call buttons or provide a permanently attached reach stick.

SCALE (FEET)





Specific Considerations for Fourth Floor

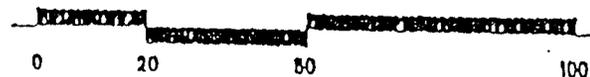
1. Tighten railings and replace tread on ramp.
2. Remove or modify threshold bevels which are higher than 3/4 inch.

FOURTH FLOOR PLAN

General Considerations for Building

- Add door lever extensions.
- Add signage for door numbers, bathroom accessibility, accessible telephones, elevator locations, permanent room/service locations.
- Add kiosk for building in key locations for access to services.
- Spout on water fountain is higher than the accessible height of 36 inches. Provide cup dispensers for fountains with spouts that are too high; provide accessible cooler or replace controls.
- Rewire audible indicators in elevators. Lower call buttons or provide a permanently attached reach stick.

SCALE (FEET)



Appendix C

Proposed ADA Policy and Complaint Procedure

MAINE STATE LEGISLATURE

The Maine State Legislature is committed to complying with the provisions of the Americans with Disabilities Act (ADA) and the Maine Human Rights Act and affirms its commitment to the goal that individuals with disabilities shall not be excluded from participating in or be denied the benefits of any program, service or activity offered by the Legislature.

Discrimination on the basis of disability is also prohibited by the Maine Human Rights Act; and it is the responsibility of legislators and legislative employees to support the goals, objectives and concept of the ADA and the Maine Human Rights Act in their dealings with the public, with co-workers and with prospective employees.

The ADA requires that the Legislature communicate effectively with individuals who have speech or visual impairments or who are deaf or hard of hearing. The Legislature will strive to provide auxiliary communication aids to individuals with disabilities as necessary to afford them equal opportunity to participate in or benefit from the Legislature's programs, services, and activities.

Information regarding services that are available to assist persons with disabilities to participate in the activities of the Legislature is available in any of the following offices:

Senate:

Secretary of the Senate
Room 327, State House

Phone: 207-287-1540
TTY : 207-287-1583
FAX : 207-287-1900

House of Representatives

Clerk of the House
Room 3, State House

Phone: 207-287-1400
TTY : 207-287-4469
FAX : 207-287-1456

Legislative Information Office

Room 314, State House
Phone: 207-287-1692
FAX: 207-287-1580
TTY: 207-287-6826

ADA Grievance Procedure

The Legislature has a grievance procedure for resolving disputes related to services provided under the Americans with Disabilities Act of 1990 and the Maine Human Rights Act.

If a person wishes to ask questions about rights and remedies under the ADA, request a reasonable modification to the Legislature's policies, practices or procedures, or file a written grievance with the Legislature, the person should contact:

ADA Coordinator
Room __, State House
Augusta, Maine 04333

207-287-__
TTY: 207-287-__

The ADA Coordinator is responsible for maintaining a record of all requests, complaints and written grievances and for presenting these to the Legislative Council, which has the overall responsibility for monitoring compliance with the Americans with Disabilities Act and the Maine Human Rights Act in the legislative branch.

Appendix D

Template of Public Notification Placard

AMERICANS WITH DISABILITIES ACT OF 1990

STATE OF MAINE

The State of Maine does not discriminate against individuals with disabilities in the provision of services, programs, activities, or in employment. Under the Americans with Disabilities Act of 1990 (ADA), any qualified individual with a disability is eligible to participate in or benefit from any service, program or activity provided by the State, or any of its departments or divisions. Likewise, the ADA requires equal employment opportunities for qualified individuals with disabilities.

If you believe you have been denied access to a benefit, service, program or activity offered by the Maine State Legislature or its offices because of a disability, you may file a complaint with the Legislature's ADA Coordinator * or the State Accessibility Coordinator at 624-5306 (voice) or 624-5322 (TTY).

If you feel you have been discriminated against in any aspect of your employment with the Maine State Legislature because of a disability, or if you feel that you have been discriminated against as an applicant for employment with the State Legislature, you may file a complaint with your supervisor, an agency Affirmative Action Officer* or the State Affirmative Action Coordinator in the Bureau of Human Resources, 287-4425 (voice) or 289-4537 (TTY).

* Include name(s) and telephone number(s) of agency contact(s).

Appendix E

Suggested Additions to the Brochure for Visitors to the State House

INFORMATION BROCHURE FOR VISITORS TO THE STATE HOUSE

Proposed Additions to Identify Services and Accommodations that Enable People with Disabilities to Participate in the Activities of the Legislature

Parking -- Location of handicapped parking spaces.

Access to the State House -- Location of handicapped accessible entrance.

Elevators -- Location of handicapped accessible elevators.

Access to Legislative Sessions and Committee Hearings --Wheelchair access to the Senate and House Galleries and the Legislative Council Chamber.

Services for People Who Are Deaf or Hard of Hearing

TTY Services

Assistive Listening Devices (*)

Interpreters

Services for People Who Are Blind or Visually Impaired

Tapes of Committee meetings and floor sessions

Large Print Materials

* To be acquired during 1996 Interim





Service Evaluation Maine State Legislature

Is this your first visit to the Legislature? Yes No, number of previous visits _____

Were you able to access Legislative activities easily? Yes No

Comments _____

Were you able to get the assistance that you needed to use Legislative services and facilities?

Yes No

Comments _____

Please rate the following on the basis of ease of access and comfort level.

1=Excellent 2=Very Good 3=Good 4=Needs Improvement 5=Unsatisfactory

Sound Level	<input type="checkbox"/>
Seating	<input type="checkbox"/>
Visual Aspects	<input type="checkbox"/>
Easy Identification of Hearing Rooms	<input type="checkbox"/>
Written Information/Educational Pamphlets	<input type="checkbox"/>

Do you have suggestions on how we might improve our services? Yes No

Comments _____

Thank You for taking time to complete this survey

Appendix G

Proposal for Assistive Listening System



ESTABLISHED 1961

Wilner-Greene Associates

449 Forest Avenue Plaza, Portland, Maine 04101

207/772-5882 207/772-7625 (fax)

11/27/95

>>

Ms. Carrie McFadden
Research Analysis
Office of Policy and Legal Analysis
State House Station #13
Augusta, ME 04333

RE: Assistive Listening Systems

Dear Ms. McFadden,

At my recent meeting with you, Norman Perrin, and Bryan Trask, we discussed the features and limitations for each of the three different Assistive Listing Systems, with reference to the State of Maine's ADA applications for the hearing impaired. The instruments we supply and their manufacturers are: Audex ..Infrared, Induction Loop; Telex .. FM; Oval Window Audio .. Induction Loop. For the hearing rooms, and for what we estimate your other applications will be, we recommended infrared as your primary method. With the exception of outdoor applications, this method when taken as a whole, offers the greatest degree of simplicity of operation, transmission confidentiality, portability, flexibility to meet varied coverage requirements, and has the least potential for signal interference.

Audex offers a number of infrared emitter (transmitters) models with varied capabilities in coverage area and in signal input methods. These emitters have an estimated "maximum" coverage area per emitter of 1600 sq. ft. (40' x 40') for the smallest models, ranging to an estimated "maximum" of 12000 sq.ft. per emitter for the largest models. With the use of one or a number of emitters, any size room or auditorium, including civic center type facilities, can be properly covered with an infrared system.

Audex emitters, depending upon the particular model, can receive an audio signal from the line out circuit of amplifiers, radios and tape players, microphones, room speakers, Audex base units, and from other emitters. Most Audex emitter models can be used with or without a base unit, individually as a standalone system, and in a group with other emitters.

Infrared signals will not pass through walls, windows, or any solid material. The signals rebound "back and forth" between walls, etc." Although an infrared signal is a "line of sight" transmission, with proper emitter capacity creating "back and forth" rebounding, the infrared receivers will "always" be in the proper position to receive the signal.



ESTABLISHED 1961

Wilner-Greene Associates

449 Forest Avenue Plaza, Portland, Maine 04101

207/772-5882 207/772-7625 (fax)

An Audex base unit is an infrared "master" control instrument, combining multiple inputs, and a built-in mixer. It can supply an audio-signal and AC power, using the same cable, to a group of emitters connected in series. Some emitter models, however, include much of the base unit circuitry, allowing these models to operate with or without a base unit. Although a base unit does offer slightly more sophisticated performance than the base unit circuitry in an emitter, most portable systems and some permanent ones are usually supplied without the base unit.

Without a base unit, each emitter must have access to its own AC power source. For installations with a number of emitters, or installations where it is difficult to locate a power source for each emitter, it is often much easier to use a base unit. It does not seem necessary to recommend base units to meet the requirements of your current applications. Once we are able to determine what new requirements must met, then a decision on this item can be made.

Most Audex emitter models may be used in both a permanent and a portable mode. They may be installed on tripods, placed on tables or shelves, etc., or connected with adjustable brackets to walls. Portable system carrying cases, with a model designed to also include a tripod, are also available.

Audex infrared receivers, in addition to the basic model REC-T2 with only infrared capabilities, are also available with a direct microphone input and/or T-coil circuitry. Also available are non-infrared receivers that includes the same microphone input and/or T-coil circuitry. This basic receiver, model REC-T2, is typically supplied with most infrared systems. Infrared receivers with the microphone circuit are recommended when there is an interest in listening to other conversations at the same time as the infrared signal.

Audex infrared receivers are usually supplied with walkman type headphones. Approximately 80% to 85%, or more, of the hearing impaired population, who are able to benefit from some form of hearing aid amplification, are able to use the Audex receivers in this manner. For those individuals who require an increased level of amplification, accessories are available to allow the use of their personal hearing aids in combination with an infrared receiver.

These accessories are neckloops, silhouettes, and audio-input connections. Also available are bone conduction transducers for those persons who must use this particular type of amplification, and button type transducers for those who require the power of "body" type hearing aid amplification. Usually most organizations only supply neckloops. They usually obtain one neckloop for about five receivers. Due to the nature of the other accessories, they are usually obtained by the individuals who will use them. When they are obtained by an organization, it would be on a "case by case" basis.



ESTABLISHED 1961

Wilner-Greene Associates

449 Forest Avenue Plaza, Portland, Maine 04101

207/772-5882 207/772-7625 (fax)

The various Audex receivers, with the proper components, are also designed to be worn by an individual in several different manners. They may be hand held, clipped to a shirt pocket, worn lavalier style with a neckloop, or placed on a table, shelf or some other object. In addition, many individuals have their own infrared receivers. Home/TV infrared systems utilize the same infrared receivers as the auditorium models.

We are recommended two different emitter models, each model in a portable mode with tripod, etc. These are the two emitters we demonstrated at our meeting. We have no recommendations on the emitter quantity. For receivers, we recommend a quantity of approximately 4% of the number of persons attending meetings, etc., that you have to be concerned about, at any one time.. If the receivers will be used on a random basis, we suggest using 9 volt alkaline batteries. If they will be given considerable use, we suggest using nicad rechargeable batteries.

The convertible model E-PS3-C emitter, the larger emitter demonstrated at our meeting, has a potential maximum coverage area of up to 9000 sq.ft.. Potential coverage distance, in a room with a ten or twelve foot ceiling, is approximately 65 to 80 feet. Used as a standalone emitter with the tripod, it can receive its audio signal from the line out circuit of an amplifier, from a radio or tape player, another emitter, or from its four microphones. With a slight reduction in voice quality, it may adapted to be able to handle eight microphones. Not needed for your current applications, the emitter may also be used with a base unit. It is also the emitter model that is included in the Audex Courtroom Portable System as described in the Audex Courtrooms and Other Government Offices catalog.

The model SA-PSI-U2 emitter, the smaller model, may be used with two microphones, a room speaker, radio or tape player, or the line out circuit of an amplifier. With a plug in microphone, the emitter can also be placed directly in front of a room speaker, or placed on a table in front of the person speaking.

We are also suggesting that you obtain one hand-held RPA-IPM Infrared Power Meter. In addition to other capabilities, this item is used to measure the effectiveness of the infrared signal throughout the coverage area.

Enclosed is our recommendations and prices. We will contact you immediately to discuss your requirements in more detail. We do want to apologize to you for the delay in sending this information to your attention. It was most certainly an oversight on my part.

Sincerely yours,

Stanley M. Wilner

SMW/s

enc.: Quotation



ESTABLISHED 1961

Wilner-Greene Associates

449 Forest Avenue Plaza, Portland, Maine 04101

207/772-5882 207/772-7625 (fax)

11/27/95

Mrs. Carrie McFadden
Research Analysis
Office of Policy and Legal Analysis
State House Station #13
Augusta, ME 04333

Dear Ms. McFadden,

We are pleased to quote on the following Audex Infrared Assistive Listening Instrumentation:

(1) EX-PS3-C Portable Infrared System (Courtroom style)

(a)	One	EX-PS3-C	Convertible Emitter	\$799.00	\$799.00
(b)	Four	TA-MIC2	Directional Microphones	\$ 99.00**	\$396.00**
(c)	Four	TA-MTS-2	Mic Stands for TA-MIC2	\$ 15.00	\$ 45.00
(d)	Four	REC-T2	Infrared Receivers (basic)	\$ 89.00	\$356.00
(e)	One	CS-XLT48	Carrying Case	\$ 79.00	\$ 79.00
(f)	One	RPA-TPD	Tripod	\$ 79.00	\$ 79.00
(g)	One	RPA-TBK	Tripod Bracket	\$ 9.00	\$ 9.00
(h)	One	TA-24PS-20	24 volt AC Power Adapter with 20 ft. Power Cord	\$ 32.00	\$ 32.00

(2) SAP-PSI-U2 Portable Infrared System

(a)	One	AS-PSI-U2	Universal "Rattler" Emitter	\$415.00	\$415.00
(b)	Two	TA-MIC2	Directional Microphones	\$ 99.00**	\$198.00**
(c)	Two	TA-MTS-2	Mic Stands for TA-MIC2	\$ 15.00	\$ 30.00
(d)	Two	REC-T2	Infrared Receivers (basic)	\$ 89.00	\$178.00
(e)	One	CS-XLT48	Carrying Case	\$ 79.00	\$ 79.00
(f)	One	RPA-TPD	Tripod	\$ 79.00	\$ 79.00
(g)	One	RPA-TBK	Tripod Bracket	\$ 9.00	\$ 9.00
(h)	One	TA-24PS-20	24 volt AC Power Adapter with 20 ft. Power Cord	\$ 32.00	\$ 32.00

(3) Replacement or Additional Optional Components

(a)	Each	REC-IM	Infrared Receiver with Direct (basic) Microphone	\$125.00
(b)	Each	REC-IM-SYS	Infrared Receiver with Direct TA-MIC2 Microphone	\$199.00**



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- | | | | | |
|-----|------|----------|-------------------------------|----------|
| (c) | Each | RSA-RBAT | Rechargeable Nicad Battery | \$ 15.00 |
| (d) | Each | RSA-DC12 | Twelve Instrument Charger | \$250.00 |
| (e) | Each | RPA-IPM | Infrared Power Meter | \$299.00 |
| | | | Measure Infrared Signal, etc. | |

(4) Assistance

- | | | | |
|-----|-----------------------------------|--|-----------------|
| (a) | Telephone Support | One time Charge Per Order | \$100.00 |
| (b) | On-Site Assistance | One Training Session On
Equipment Setup, Operational
Aspects, Trouble Shooting, etc. | \$ N/C |
| (6) | Additional On-site
Assistance. | Quoted On Individual Basis. | \$ To Be Quoted |

Comments: All prices binding for 90 days EXCEPT for TA-MIC2 microphones and REC-IM-SYS receiver. These prices binding only until December 31, 1995. Do not presently know the 1996 price rate for these items. Please note that the current price of these items are also higher than listed in the Courtrooms and Other Government Offices catalog.

Terms: Net 30 Days

Sincerely yours,

Stanley M. Wilner
SMW/s



Appendix H

Comments from the Deaf Advocacy Group



32 WINTHROP STREET • P.O. BOX 2007 • AUGUSTA, ME 04338-2007
PAUL K. VESTAL, JR., EXECUTIVE DIRECTOR

MEMO

TO: Sally Tubbesing and Brian Trask
FROM: Deaf Advocacy Group
DATE: January 23, 1996
SUBJECT: Our comments for Report to the Legislature on the needs of the Deaf and hard-of-hearing communities

1. There is concern that members of the Deaf community may not be aware of the rights they have regarding the State Legislature's obligation to provide auxiliary aids and services.

Include on the Legislative Calendar and in the Sunday papers a notice that states the following:

The Legislature shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in any activity conducted by the Legislature. If no interpreter is available for a legislative hearing, then the ADA compliance officer will assist the deaf individual in requesting an accommodation that the hearing be postponed until an interpreter is available. The TTY number for requesting interpreters, for legislative information and leaving messages for legislators is _____.

2. The Legislative and Executive Branches have recognized that adequate interpreting services are not available in the State to meet the needs of the Deaf community.

The State needs to explore different contracting and/or hiring methods to ensure that interpreters are available in the short term. For the long term, the State needs to support the development of an ASL interpreting program at the University of Southern Maine by appropriating a minimum of \$20,000 and meeting with University officials.

3. Many deaf individuals do not have adequate life safety adaptive equipment in their homes such as smoke detectors with flashing lights.

Include flashing lights for the Deaf as part of the TTY Loaner Program.

4. It is apparent that some Legislative Committee Chairs and Departmental ADA Compliance Officers do not understand the reasonable accommodation and other legal obligations related to Deaf access.

Mandatory training should be provided for Legislative Committee Chairs and for Departmental ADA Compliance Officers that outline the legal obligations of the State for Deaf and hard of hearing individuals. The training should also include the use of TTYs, and general information about ASL, interpreters and the Deaf culture.

5. Many State agencies do not have an adequate number of TTYs and the State Legislature and Executive Departments find it prohibitively expensive to purchase interpreter services.

The State should implement the joint purchase of TTYs and interpreting services for the Legislature and all Departments.

6. The Deaf community has been excluded from full participation at the Legislature.

Interpreters need to be available upon request for all of the activities of the Legislature. These include public hearings, lobbying and work sessions. Interpreters should be scheduled for 1/2 hour before and after all public hearings and work sessions.

7. We believe it is important to ensure that State Government become more responsive to the needs of the Deaf community.

A consumer satisfaction survey should be developed to determine the needs of the Deaf and hard-of-hearing community when accessing the Legislature and State government services. The survey should be random, and it should include face-to-face interviews with individuals from the Deaf community who have identified concerns when accessing different departments such as Motor Vehicles, Job Service, etc.

8. There has been a general lack of compliance with State and Federal laws that protect people with disabilities.

The State ADA Compliance Officer should be in the Governor's Office to oversee all departments and have the proper authority and adequate resources to ensure that disability laws are enforced.

9. Some State offices serving the general public do not have TTYs or if they do they often do not have personnel who know how to use them. Some State Offices are also not aware of when they have an obligation to provide interpreters.

All offices that serve the public should have TTYs and all staff in each office be trained on how to use a TTY and have a written procedure of how and when to provide interpreters.

10. Many people do not have easy access to the TTY numbers of State Departments and branch offices.

TTY numbers should be listed for each department and its branch offices in the State phone directory and be included on all printed materials each department (i.e. letterhead, business cards, brochures, etc.) All TTY numbers for departments and branch offices should be included in the state-wide TTY directory.

11. There are numerous laws and regulations that cover the rights of Deaf and hard-of-hearing individuals.

The Report to the Legislature should include a copy of all State and Federal laws that pertain to the Deaf and hard-of-hearing.

12. There are Deaf employees in the State who do not have access to a TTY and interpreters are not provided when needed.

Any State office which employs Deaf individuals should provide TTYs for outgoing and incoming telephone calls and interpreters for any group meetings or for any other meetings which are lengthy, complex or may result in any type of personnel action including promotion, disciplinary action, transfer, etc., regardless of whether interpreters have ever been provided previously in those situations.

13. Input from the Deaf community is crucial for meeting the obligations of the law and meeting the needs of the Deaf community.

Allow the Deaf Advocacy Group to review the draft of the report before it is submitted to the Legislature.