

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 7 FY 04/05
7 FY 04/05
DATE September 29, 2003

**AN ORDER CREATING THE
OFFICE OF THE STATE ACCESSIBILITY COORDINATOR**

WHEREAS, as part of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*, (“ADA”) and the Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.*, (“Rehabilitation Act”), Congress prohibited discrimination on the basis of disability; and

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

WHEREAS, the State of Maine recognizes that all of its citizens have the right to fully participate in leading productive and active lives without regard to their disabilities; and

WHEREAS, the Office of the Governor issued Executive Orders 9 FY 81/82 (dated 18 February 1982) and 4 FY 85/86 (dated 19 September 1985), respectively establishing and reaffirming the Office of the State Handicapped Accessibility / 504 Coordinator; and

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

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

NOW, THEREFORE, I, John E. Baldacci, under the power vested in me and in pursuit of the goal of providing equal opportunity to people with disabilities according to Federal law and the law of the State of Maine, do hereby designate the State Accessibility Coordinator to coordinate the State’s continuing efforts to comply with and carry out the State’s responsibilities under the ADA, the Rehabilitation Act, and the Maine Human Rights Act, as applicable. The Office of the State Handicapped Accessibility Coordinator, formerly called the 504 Coordinator, is hereby (re)authorized and renamed the Office of the State Accessibility Coordinator.

Responsibilities of the State Accessibility Coordinator and State Agencies and Officials

The following State agencies and officials have particular responsibilities for carrying out the intent of this Executive Order.

1. Responsibilities of the State Accessibility Coordinator are as follows:
 - a) To coordinate the State's efforts to comply with and to carry out its responsibilities under the ADA, the Rehabilitation Act, and the Maine Human Rights Act, as applicable;
 - b) To provide training to agency accessibility coordinators assigned to ensure compliance by each agency with the provisions of applicable law;
 - c) To review and comment on proposed compliance plans and proposed modifications to those plans of the departments and other agencies of the State, make recommendations to the agency heads on such plans and modifications, and monitor agency implementation of such plans and modifications;
 - d) To provide periodic reports to the Director of the Bureau of Rehabilitation Services as to what the agencies have accomplished in meeting the objectives of their plans;
 - e) To provide technical assistance to the agencies in collaboration with the accessibility coordinator of each; and
 - f) To coordinate and maintain a list of conference and meeting facilities in Maine evaluated and certified for accessibility.
2. The State Equal Employment Opportunity / Affirmative Action Coordinator shall remain responsible for ensuring compliance with applicable Federal and State requirements governing employment practices.
3. Responsibilities of agency accessibility coordinators are as follows:
 - a) To cooperate with the Office of the State Accessibility Coordinator in the performance of its responsibilities pursuant to this Executive Order;
 - b) To make information regarding applicable laws available to applicants, participants, beneficiaries, and other interested persons; and
 - c) To develop, update, and maintain plans for compliance with lawful obligations of the State.
4. Responsibilities of each department or agency head are as follows:
 - a) To ensure the department or agency has at least one designated accessibility coordinator;
 - b) To make available to all interested individuals the name, office address, and telephone number of the designated accessibility coordinator(s);
 - c) To review and approve plans and modifications of plans developed by the department or agency accessibility coordinator and strive to implement such plans and modifications; and
 - d) To adopt grievance procedures and provide for prompt and equitable resolution of complaints under applicable law consistent with any grievance procedure adopted by the Commissioner of Labor pursuant to 26 M.R.S.A. § 1412-F.
5. Responsibilities of the Director of the Bureau of General Services are to administer and enforce 25 M.R.S.A., Chapter 331, which provides for accessibility in public buildings where State funds are used, including for space in buildings rented or leased by the State; except

with respect to elementary and secondary school buildings, it shall be the Commissioner of Education.

6. Responsibilities of the Director of the Bureau of Rehabilitation Services are as follows:

- a) To review reports from the State Accessibility Coordinator regarding agencies' compliance plans;
- b) To make recommendations, as necessary, to the agency heads via the State Accessibility Coordinator concerning the plans and modification to those plans; and
- c) To provide reports to the Commissioner of Labor about what the agencies have accomplished to meet the objectives of their plans.

7. Responsibilities of Commissioner of Labor are as follows:

- a) To review reports from the Director of the Bureau of Rehabilitation Services regarding agency compliance plans;
- b) To make recommendations, as necessary, to the Director of the Bureau of Rehabilitation Services concerning the plans; and
- c) To provide reports to the Governor about what the agencies have accomplished in meeting the objectives of their plans.

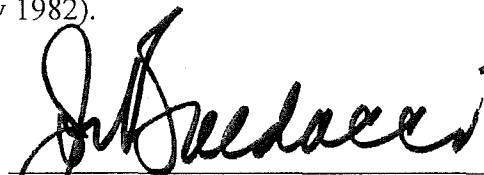
Applicability

The purpose of this Executive Order is to designate a person responsible for coordinating the State's efforts to comply with applicable federal and State law with regard to participation by qualified individuals with disabilities in the services, programs and activities of the State. Nothing in this Executive Order should be construed as an actual or implicit waiver of the sovereign immunity of the State of Maine.

Effective Date

The effective date of this Executive Order is September 29, 2003.

This Executive Order revokes Executive Order 4 FY 85/86 (dated 19 September 1985) and Executive Order 9 FY 81/82 (dated 18 February 1982).



John E. Baldacci, Governor