

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 292, L.D. 862, Bill, "An Act to Clarify Mandatory Waiver Authority Concerning Construction Requirements"

Amend the bill by striking out all of section 1.

Further amend the bill by inserting after section 3 the following:

Sec. 4. 5 MRSA §4594-E is enacted to read:

§4594-E. Waivers for existing buildings

Owners of places of public accommodation built, renovated, remodeled or enlarged between September 1, 1974 and January 1, 1991 may apply to the commission until September 30, 1994 for a waiver or variance from the standards of construction for accessibility requirements. If the commission determines that compliance with applicable requirements is not technologically feasible or will result in excessive and unreasonable cost in terms of current dollars without any substantial benefit to persons with physical disabilities, it may provide for modification of or substitution of standards. In all petitions for variance or waiver, the burden of proof is on the party requesting a variance or waiver to justify its allowance.

A request for a waiver or variance under this subsection must be processed and may be appealed in the same manner as waivers and variances under section 4594-D, subsections 9 and 10.

**Sec. 5. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**COMMITTEE AMENDMENT**

R. O. S.

	1993-94	1994-95
2	<b>MAINE HUMAN RIGHTS COMMISSION</b>	
4	<b>Human Rights Commission -</b>	
6	<b>Regulation</b>	
8	Personal Services	\$12,787
	All Other	750
10		\$7,544
		250
12	Provides funds to process	
	waiver requests for existing	
14	buildings until September 30,	
	1994 including one part-time,	
16	limited period Field	
	Investigator position and	
18	related expenses.	
20	<b>MAINE HUMAN RIGHTS COMMISSION</b>	
	<b>TOTAL</b>	<b>\$13,537</b>
		<b>\$7,794</b>

22 Further amend the bill by renumbering the sections to read consecutively.

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

FISCAL NOTE

	1993-94	1994-95
32	<b>APPROPRIATIONS/ALLOCATIONS</b>	
34	General Fund	\$13,537
		\$7,794

36 The Maine Human Rights Commission will require additional General Fund appropriations of \$13,537 in fiscal year 1993-94 and \$7,794 in fiscal year 1994-95 to support a part-time Field Investigator to process waiver requests for existing buildings that are submitted prior to September 30, 1994.

42 After the initial increase in waiver requests, the Maine Human Rights Commission may experience minor General Fund savings as a result of allowing a representative, rather than the full commission, to grant a waiver of the standards of construction for facilities built after January 1, 1991.

48 The Governor's proposed current services budget includes changes that may affect this bill's impact on the Maine Human Rights Commission's ability to process waiver requests. This

COMMITTEE AMENDMENT "A" to S.P. 292, L.D. 862

2 estimate of the fiscal impact may need to be adjusted based on  
final legislative actions on the current services budget.'

4

STATEMENT OF FACT

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8 This amendment replaces the exemption from access provision  
in the original bill with a procedure permitting waivers or  
variances from construction standards if compliance is not  
10 technologically feasible or will result in excessive and  
unreasonable costs without any substantive benefit to persons  
12 with physical disabilities. The procedure is available for  
public accommodations built, renovated, remodeled or enlarged  
14 between September 1, 1974 and January 1, 1991, and application  
for the waiver or variance must be made before September 30, 1994.

Reported by Senator Conley for the Committee on Judiciary.  
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