

MAINE STATE LEGISLATURE

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JUDICIARY

Reported by: Senator MILLS of Somerset for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 486, L.D. 1320, Bill, "An Act to Amend the Law Pertaining to Grievance Procedures Concerning Discrimination on the Basis of Disability"

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

'Sec. 1. 20-A MRSA §18017 is enacted to read:

§18017. Adoption of a grievance procedure concerning discrimination on the basis of disability

The commissioner shall adopt rules pursuant to Title 5, chapter 375, subchapter II to create a grievance procedure applicable to all bodies of State Government in accordance with 45 Code of Federal Regulations, Section 84.7 and with 28 Code of Federal Regulations, Section 35.107(b). To the extent that a grievance procedure adopted under this section conflicts with a grievance procedure otherwise adopted by a state agency to comply with 45 Code of Federal Regulations, Section 84.7, the procedure adopted under this section controls, except in cases of conflict with other federal regulations.

Sec. 2. 22 MRSA §42-B, as amended by PL 1989, c. 502, Pt. A, §64, is repealed.'

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

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FISCAL NOTE

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The additional costs to adopt certain grievance procedures can be absorbed by the Office of Rehabilitation Services within the Department of Education utilizing existing budgeted resources.'

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STATEMENT OF FACT

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This amendment replaces the bill.

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This amendment repeals the duty of the Commissioner of Human Services to establish a grievance procedure concerning discrimination within State Government on the basis of disability. The Commissioner of Education currently is responsible for administering the Rehabilitation Act. This amendment adds to that responsibility the duty to establish, by rule, a grievance procedure to handle claims of discrimination based on disability. It contains the new references to the Code of Federal Regulations adopted since the Americans with Disabilities Act was enacted. The amendment also adds a fiscal note to the bill.

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