

MAINE STATE LEGISLATURE

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Date: 3/21/16

L.D. 949
(Filing No. H-578)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 652, L.D. 949, Bill, "An Act To Enact the Recommendations of the Commission on Independent Living and Disability"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 5 MRSA §19505, sub-§3, as enacted by PL 1989, c. 837, §1, is amended to read:

3. Pursuit of remedies. The agency may pursue administrative, legal and other appropriate remedies on behalf of persons with disabilities. The agency has standing to file a civil action for alleged violations of chapter 337, subchapter 5 in Superior Court. Notwithstanding section 4622, subsection 1, the agency may be awarded reasonable attorney's fees and costs as provided in section 4614.

Sec. 2. 26 MRSA §1412-I is enacted to read:

§1412-I. Strategic planning report

1. Annual report. In addition to its existing duties, the Statewide Independent Living Council, established pursuant to 29 United States Code, Sections 796 to 796f (1999) and administered by the Bureau of Rehabilitation Services, shall, beginning January 15, 2017, provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over labor and economic development matters on the State's strategic planning efforts related to the ability of persons with disabilities to live independently, including but not limited to:

A. Efforts to increase opportunities for persons with disabilities to live independently within the community;

B. The effectiveness and coordination of programs and services designed to support independent living efforts;

COMMITTEE AMENDMENT

1 C. Efforts to improve vocational rehabilitation outcomes and efficiency in the
2 development of individualized plans of employment with individuals eligible to
3 receive rehabilitation services;

4 D. Efforts to improve transition planning for students with disabilities by adding
5 independent living assessments and strategies to prepare for postsecondary education;

6 E. Efforts to ensure that new public buildings and public accommodations are
7 accessible by persons with disabilities and to encourage the adoption of building
8 codes that meet the most recent federal Americans with Disabilities Act of 1990
9 accessibility guidelines;

10 F. Efforts to increase awareness of all available housing that is accessible and usable
11 by persons with disabilities; and

12 G. Any recommendations for improvement in the delivery of services to persons
13 with disabilities.

14 **Sec. 3. Statewide Independent Living Council to convene a working**
15 **group; develop statewide transportation voucher program.** The Statewide
16 Independent Living Council, established pursuant to 29 United States Code, Sections 796
17 to 796f and administered by the Department of Labor, Bureau of Rehabilitation Services,
18 shall convene a working group to develop a proposal for a statewide transportation
19 voucher program for persons with disabilities. Members of the working group must
20 include representatives from the Department of Transportation, the Department of Health
21 and Human Services, the Department of Labor and a statewide agency administering
22 centers for independent living. The working group shall examine the flexibility of federal
23 funding and matching funds sources, consult with the University of Montana Research
24 and Training Center on Disability in Rural Communities for assistance in developing the
25 proposal and submit its findings and recommendations to the joint standing committee of
26 the Legislature having jurisdiction over transportation matters, the joint standing
27 committee of the Legislature having jurisdiction over health and human services matters
28 and the joint standing committee of the Legislature having jurisdiction over labor,
29 commerce, research and economic development matters no later than December 15, 2016.
30 The joint standing committee of the Legislature having jurisdiction over health and
31 human services matters may report out a bill regarding this subject matter to the First
32 Regular Session of the 128th Legislature.'

33 **SUMMARY**

34 This amendment replaces the bill and does the following.

35 1. It authorizes the agency that is designated by the Governor to serve as the
36 protection and advocacy agency for persons with disabilities in Maine to bring a civil
37 action in Superior Court for violations of the Maine Human Rights Act regarding public
38 accommodations and allows the agency to receive reasonable attorney's fees and costs.

39 2. It requires the Statewide Independent Living Council to provide an annual report
40 to the Legislature on the State's strategic planning efforts to increase opportunities for
41 persons with disabilities to live independently within the community in a number of

ROFS

COMMITTEE AMENDMENT "A" to H.P. 652, L.D. 949

- 1 areas, including transition planning for students, vocational rehabilitation services,
- 2 available housing and accessibility of public accommodations.
- 3 3. It requires the Statewide Independent Living Council to convene a working group
- 4 to develop a statewide transportation voucher program for persons with disabilities.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 949

LR 1641(02)

An Act To Enact the Recommendations of the Commission on Independent Living and Disability

Fiscal Note for Bill as Amended by Committee Amendment

A (H-578)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil suits.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Statewide Independent Living Council, administered by the Bureau of Rehabilitation Services, Department of Labor to convene the required workgroup and provide the required report can be absorbed within existing budgeted resources.

Additional costs to the Departments of Transportation and Health and Human Services associated with serving on the work group can be absorbed within existing budgeted resources.