

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 988

S.P. 407

In Senate, March 2, 2023

Resolve, Directing the Department of Agriculture, Conservation and Forestry to Conduct an Accessibility Study of All Maine State Parks and Historic Sites and to Develop a Plan to Remove Access Barriers

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DAUGHTRY of Cumberland.
Cosponsored by Representative HEPLER of Woolwich and
Senators: BEEBE-CENTER of Knox, BRENNER of Cumberland, CARNEY of Cumberland,
CURRY of Waldo, President JACKSON of Aroostook, RENY of Lincoln, Representatives:
DOUDERA of Camden, ZEIGLER of Montville.

1 **Preamble. Whereas,** in 2021, Maine's 48 state parks and historic sites, which are
2 operated and maintained by the Department of Agriculture, Conservation and Forestry,
3 welcomed more than 3,300,000 visitors, who are estimated to have generated more than
4 \$100,000,000 in revenue for Maine's economy; and

5 **Whereas,** Maine recently launched a \$50,000,000 initiative to rebuild Maine's state
6 parks; and

7 **Whereas,** the federal Americans with Disabilities Act of 1990 was passed over 32
8 years ago, and was based on congressional findings that individuals with disabilities
9 continually encounter various forms of discrimination, including the discriminatory effects
10 of architectural barriers and the failure to make modifications to existing facilities and
11 practices; and

12 **Whereas,** Maine individuals with disabilities continue to face significant barriers in
13 accessing Maine's state parks and historic sites; and

14 **Whereas,** the first step to ensuring that Maine's state parks and historic sites are
15 accessible to all Maine individuals and visitors with disabilities is to conduct studies to
16 identify access barriers and engage the disability community in the development of a plan
17 to remediate those barriers; now, therefore, be it

18 **Sec. 1. Definitions. Resolved:** That, as used in this resolve, the following terms
19 have the following meanings.

20 A. "Historic site" has the same meaning as in the Maine Revised Statutes, Title 12,
21 section 1801, subsection 5.

22 B. "Park" has the same meaning as in the Maine Revised Statutes, Title 12, section
23 1801, subsection 7.

24 **Sec. 2. Department of Agriculture, Conservation and Forestry to conduct**
25 **accessibility study on parks and historic sites. Resolved:** That the Department of
26 Agriculture, Conservation and Forestry shall conduct an accessibility study inspecting each
27 park and historic site in the State to identify barriers to physical and program accessibility
28 for individuals with disabilities. In conducting the study, the department shall:

29 A. Engage individuals and entities with experience and expertise in conducting
30 accessibility studies for developed outdoor areas;

31 B. Obtain input and guidance from individuals with a wide range of disabilities; and

32 C. Use the United States Department of Justice's 2010 ADA Standards for Accessible
33 Design and the United States Access Board's published accessibility guidelines for
34 developed outdoor areas.

35 **Sec. 3. Department of Agriculture, Conservation and Forestry to develop**
36 **remediation plan. Resolved:** That the Department of Agriculture, Conservation and
37 Forestry shall develop a remediation plan based upon the accessibility study in section 2.
38 In developing the remediation plan, the department shall obtain input and guidance in every
39 stage of the development process from individuals with a wide range of disabilities. The
40 remediation plan must:

41 A. List all of the barriers to physical and program accessibility identified by the
42 accessibility study;

1 B. Categorize the barriers listed in paragraph A and prioritize the barriers or categories
2 of barriers for removal;

3 C. Provide a schedule with dates for the anticipated removal of each barrier or category
4 of barriers; and

5 D. Include a reasonable estimate of the costs of removing each barrier or category of
6 barriers.

7 **Sec. 4. Report. Resolved:** That, by December 6, 2023, the Department of
8 Agriculture, Conservation and Forestry shall submit the plan required under section 3,
9 along with any suggested legislation, to the Joint Standing Committee on Agriculture,
10 Conservation and Forestry. The Joint Standing Committee on Agriculture, Conservation
11 and Forestry may submit legislation based upon the report to the Second Regular Session
12 of the 131st Legislature.

13 **SUMMARY**

14 This resolve requires the Department of Agriculture, Conservation and Forestry to
15 conduct an accessibility study of every Maine state park and historic site to identify barriers
16 to physical and program accessibility for individuals with disabilities and to develop a
17 remediation plan to prioritize and remove the barriers. The department is required to submit
18 the plan, with any recommended legislation, to the Joint Standing Committee on
19 Agriculture, Conservation and Forestry, which may submit legislation based upon the
20 report to the Second Regular Session of the 131st Legislature.