



131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2195

S.P. 934

In Senate, January 30, 2024

**An Act to Protect Businesses from Fraudulent or Predatory
Financial Settlements by Allowing Those Businesses Opportunities
to Remove Architectural Barriers in Noncompliance with the Maine
Human Rights Act**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Judiciary 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 Senators: HICKMAN of Kennebec, KEIM of Oxford, PIERCE of Cumberland, POULIOT of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §4594-I** is enacted to read:

3 **§4594-I. Notice of noncompliance; cure period**

4 Notwithstanding subchapter 7 or any other provision of law to the contrary, prior to the
5 individual's filing a civil action under section 4621 or filing a complaint with the
6 commission pursuant to section 4611 based on the failure of the owner of a place of public
7 accommodation to remove an architectural barrier in that place of public accommodation,
8 the individual shall comply with the provisions of this section. As used in this section,
9 "architectural barrier" or "barrier" means a physical feature that limits or prevents a person
10 with a disability from accessing a place of public accommodation to obtain the goods or
11 services that are offered by the place of public accommodation and "owner" includes the
12 operator, lessor or lessee of a place of public accommodation.

13 **1. Notice.** The individual shall provide notice to the owner of the place of public
14 accommodation. The notice must:

15 A. Be in writing;

16 B. Be delivered by regular mail;

17 C. Contain a description of the architectural barrier specific enough to allow the owner
18 to identify the barrier; and

19 D. Specify in detail the circumstances under which the individual was actually limited
20 in or prevented from accessing the place of public accommodation, including the
21 address of the place of public accommodation, the date of the limitation or prevention,
22 whether the individual requested assistance with removal of the architectural barrier
23 and whether the barrier was temporary or permanent.

24 **2. Response.** Within 60 days following receipt of the notice required by subsection 1,
25 the owner of the place of public accommodation shall provide to the individual, in writing,
26 delivered by regular mail, a description of the steps the owner plans to take to remove the
27 architectural barrier.

28 **3. Removal of architectural barrier.** If the owner provides a response pursuant to
29 subsection 2, within 60 days of providing the response, the owner shall remove or make
30 substantial progress in removing the architectural barrier.

31 **4. Remedy.** If the individual meets the requirements of subsection 1 and the owner of
32 the place of public accommodation, within 60 days of receipt of the notice, fails to respond
33 to the notice as required by subsection 2 and, within 60 days of providing a response, fails
34 to remove or make substantial progress in removing the architectural barrier as required by
35 subsection 3, the individual may file a complaint or a civil action under section 4611 or
36 4621.

37 **SUMMARY**

38 This bill amends the Maine Human Rights Act to provide the owner, operator, lessor
39 or lessee of a place of public accommodation the opportunity to remove an architectural
40 barrier to accessing a place of public accommodation to obtain goods or services by an
41 individual who is disabled. An individual whose access was limited or prevented to a place

1 of public accommodation must provide written notice, including specifics about the
2 circumstances of the limited or prevented access, to the owner, operator, lessor or lessee of
3 the place of public accommodation. If the owner, operator, lessor or lessee fails to provide
4 a response to the notice within 60 days and fails to remove or make substantial progress in
5 removing the barrier to access within 60 days after providing the response, the individual
6 may file a complaint with the Maine Human Rights Commission or file a civil action in the
7 Superior Court.