



Maine Trial Lawyers Association

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Re: LD 2195, 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

Dear Senator Carney, Representative Moonen, and Members of the Joint Standing Committee on Judiciary,

MTLA opposes LD 2195.

If passed, LD 2195 would create new and unreasonable legal hurdles for those with disabilities who are seeking to have access to facilities in Maine. It is hard enough to live with a disability, and even harder as it is now to press businesses to become accessible. This bill would add extra and onerous notice requirements before anyone was allowed to bring an action against a business that was not accessible.

And that is just not fair. These kind of notice requirements are unheard of with other causes of action in Maine, so it is a mystery why they should ever be added into the law here. Requiring a person with a disability to jump through extra, unnecessary legal hoops just to get reasonable access to a business is an injustice. The bill would allow businesses nearly half of year of extra time to address accessibility issues, and only then could a person bring an action.

The Americans with Disabilities Act has been around for more than 33 years. Businesses have been on notice for more than three decades now that they have to be reasonably accessible to those with disabilities. Giving some businesses special advantages to exclude, deny and delay the disabled is patently unfair.

Additionally, you should know that this type of legislation is proposed in the United States Congress from time to time. Congress has consistently declined to pass it. Maine should do so too.

Finally, I would note that the title of the bill, "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," is misleading at best. When a formal legal request is made to a business to be accessible, this is neither "fraudulent" nor "predatory." It is a request that a business do what it should have been doing all along: complying with the law, a law that is no secret to anyone, anywhere, and certainly not a business, which should know full well what is supposed to do when it comes to accessibility.

Thank you for the opportunity to address this important issue.

Sincerely,

Jason Jabar
President
Maine Trial Lawyers Association

¹Lawyers who file so-called frivolous complaints in Court are subject to sanctions, discipline, or disbarment pursuant to Maine Rules of Civil Procedure 11. Maine attorneys cannot file frivolous claims without career-ending consequences. Anyone business served with a frivolous claim should file a Rule 11 motion, motion to dismiss, and or file a bar complaint.