



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1336

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H.P. 987

House of Representatives, March 30, 2021

**An Act To Discontinue the Use of the Terms "Handicap,"  
"Handicapped" and "Hearing Impaired" in State Laws, Rules and  
Official Documents**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ZEIGLER of Montville.  
Cosponsored by Representatives: BAILEY of Gorham, DODGE of Belfast, Senator: BREEN  
of Cumberland.

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

2 **Sec. 1. 5 MRSA §782**, as amended by PL 1985, c. 388, §1, is further amended to  
3 read:

4 **§782. Definition of affirmative action**

5 An affirmative action program includes procedures designed to increase the numbers  
6 of minorities, women and ~~handicapped~~ persons with disabilities at all levels and in all  
7 segments of the work force where imbalances exist. Such a program should include an  
8 assessment of the existing situation, and the development of realistic goals for necessary  
9 action. These goals and related procedures and timetables should not require rigid quotas,  
10 but are commitments ~~which~~ that an employer should make every good faith effort to  
11 achieve.

12 **Sec. 2. 5 MRSA §783**, as amended by PL 1985, c. 785, Pt. B, §22, is further amended  
13 to read:

14 **§783. Appointment, assignment and promotion of personnel**

15 Officials and supervisory employees shall appoint, assign and promote personnel on  
16 the basis of merit and fitness, without regard to race, color, religious creed, national origin,  
17 sex, ancestry, age, or physical handicap or mental handicap disability, unless related to a  
18 bona fide occupational qualification. Each appointing authority shall designate an  
19 affirmative action officer. The officer must be so placed within the agency's organizational  
20 structure that ~~he or she shall have~~ the officer has direct access to the appointing authority.  
21 Each department or agency shall prepare an affirmative action program for that department  
22 or agency in accordance with criteria set forth by the Bureau of Human Resources.

23 **Sec. 3. 5 MRSA §784, sub-§1**, as amended by PL 1985, c. 388, §2, is further  
24 amended to read:

25 **1. State action.** ~~No~~ An agency or individual employee of the State or ~~state-related~~  
26 ~~agencies will~~ state-related agency may not discriminate because of race, color, religious  
27 creed, sex, national origin, ancestry, age, or physical handicap or mental handicap disability  
28 while providing any function or service to the public, in enforcing any regulation, or in any  
29 education, counseling, vocational guidance, apprenticeship and on-the-job training  
30 programs. Similarly, ~~no~~ a state or ~~state-related~~ state-related agency contractor,  
31 subcontractor, or labor union or representative of the workers with which the contractor  
32 has an agreement, ~~will~~ may not discriminate unless based on a bona fide occupational  
33 qualification. State agencies or related agencies may withhold financial assistance to any  
34 recipient found to be in violation of the Maine Human Rights Act or the ~~Federal~~ federal  
35 Civil Rights Act. Any state agency or related agency shall decline any job order carrying  
36 a specification or limitation as to race, color, religious creed, sex, national origin, ancestry,  
37 age, or physical handicap or mental handicap disability, unless it is related to a bona fide  
38 job requirement.

39 **Sec. 4. 5 MRSA §784, sub-§2, ¶A**, as amended by PL 1985, c. 388, §2, is further  
40 amended to read:

41 A. The contractor will not discriminate against any employee or applicant for  
42 employment because of race, color, religious creed, sex, national origin, ancestry, age,  
43 or physical handicap or mental handicap disability. Such action ~~shall include~~ includes,

1 but ~~is~~ not be limited to, the following: ~~Employment~~ employment, upgrading,  
2 demotions, transfers, recruitment or recruitment advertising; layoffs or terminations;  
3 rates of pay or other forms of compensation; and selection for training, including  
4 apprenticeship.

5 **Sec. 5. 5 MRSA §784, sub-§2, ¶B**, as amended by PL 1985, c. 388, §2, is further  
6 amended to read:

7 B. The contractor will, in all solicitations or advertisements for employees placed by  
8 or on behalf of the contractor, state that all qualified applicants will receive  
9 consideration for employment without regard to race, color, religious creed, sex,  
10 national origin, ancestry, age, or physical handicap or mental handicap disability.

11 **Sec. 6. 5 MRSA §785**, as amended by PL 1985, c. 388, §2, is further amended to  
12 read:

13 **§785. State employment services**

14 Any state agency or ~~state-related~~ state-related agency engaged in employment, referral  
15 or placement service for private industry or public agencies shall fill all job orders on a  
16 nondiscriminatory basis, and shall decline any job order carrying a specification or  
17 limitation as to race, color, religious creed, sex, national origin, ancestry, age, or physical  
18 handicap or mental handicap disability, unless it relates to a bona fide job requirement.

19 **Sec. 7. 5 MRSA §786**, as corrected by RR 1993, c. 1, §7, is amended to read:

20 **§786. Training for job opportunities**

21 All educational and vocational-guidance counseling programs and all apprenticeship  
22 and on-the-job training programs conducted, supervised or funded by the State or state-  
23 related agency must be conducted to encourage the fullest development of interest and  
24 aptitudes without regard to race, color, religious creed, sex, national origin, ancestry, age,  
25 or physical handicap or mental handicap disability, unless sex or age relates to a bona fide  
26 job requirement. In the event that any such programs are conducted in conjunction with  
27 private employers or private educational institutions, the supervising or contracting  
28 department or agency shall insure that the provisions of this chapter are complied with fully  
29 by such private employer or private educational institution.

30 **Sec. 8. 5 MRSA §787**, as amended by PL 1985, c. 388, §2, is further amended to  
31 read:

32 **§787. State financial assistance**

33 ~~No~~ A state agency or ~~state-related~~ state-related agency shall may not approve a grant  
34 of state financial assistance to any recipient who is engaged in discriminatory practices.  
35 All recipients of state financial assistance shall submit to the Maine Human Rights  
36 Commission, at its request, information relating to the recipient's operations with regard to  
37 race, color, religious creed, sex, national origin, ancestry, age, or physical handicap or  
38 mental handicap disability. Such information shall must be furnished on a form to be  
39 prescribed by the Maine Human Rights Commission.

40 **Sec. 9. 5 MRSA §789, last ¶**, as amended by PL 1985, c. 388, §3, is further amended  
41 to read:

1 All powers and duties granted to the Maine Human Rights Commission under ~~sections~~  
2 ~~4551, et seq., as amended, chapter 337~~ apply to this section. Complaints of discrimination  
3 based on race, color, religious creed, sex, national origin, age, or physical ~~handicap~~ or  
4 mental ~~handicap~~ disability should be made to the Maine Human Rights Commission.

5 **Sec. 10. 5 MRSA §1742-D, sub-§2, ¶A**, as amended by PL 1999, c. 776, §1, is  
6 further amended to read:

7 A. Standards for occupant safety and comfort in leased space that are consistent with  
8 law and all applicable building, fire, ~~handicapped~~ accessibility and environmental  
9 codes; and

10 **Sec. 11. 5 MRSA §4575, sub-§2**, as enacted by PL 1985, c. 801, §§3 and 7, is  
11 amended to read:

12 **2. Criteria and standards.** A state department or public school may establish  
13 reasonable criteria and standards of job performance to be used for the purpose of  
14 determining when employment of its employees should be terminated. Where there is a  
15 certified bargaining agent, the establishment of these criteria and standards may be a subject  
16 of collective bargaining. These criteria and standards ~~shall~~ must be consistent for all  
17 employees in the same or similar job classifications, ~~shall~~ must be applied fairly to all  
18 employees regardless of age and ~~shall~~ must be consistent with the provisions of this Act  
19 relating to the employment of persons who are physically and mentally ~~handicapped~~  
20 persons disabled.

21 **Sec. 12. 5 MRSA §12002, sub-§3-A**, as enacted by PL 1985, c. 295, §5, is amended  
22 to read:

23 **3-A. Personal care expenses.** "Personal care expenses" means the cost of feeding,  
24 dressing, toileting, mobility and personal hygiene assistance provided to persons who are  
25 developmentally or otherwise disabled ~~or handicapped persons~~ who are members or the  
26 children of members of boards established in this chapter.

27 **Sec. 13. 5 MRSA §12002-A, sub-§2, ¶B**, as enacted by PL 1985, c. 295, §6, is  
28 amended to read:

29 B. For those board members who are selected because they are persons who are  
30 developmentally or otherwise disabled ~~or handicapped~~ or who are the parents or  
31 guardians of ~~handicapped persons who are disabled~~, those members may be reimbursed  
32 for reasonable child care expenses and personal care expenses incurred while engaged  
33 in the official business of the board.

34 **Sec. 14. 10 MRSA §1496, sub-§1, ¶A**, as enacted by PL 1989, c. 758, is amended  
35 to read:

36 A. "Telefacsimile" means any process in which electronic signals are transmitted by  
37 means of a telephone system for immediate direct printing as images or written text,  
38 excluding telecommunication signals transmitted by devices for the deaf, hard of  
39 hearing ~~impaired~~ or speech impaired.

40 **Sec. 15. 10 MRSA §1661-A**, as amended by PL 1995, c. 645, Pt. A, §1, is further  
41 amended to read:

1       **§1661-A. Gasoline stations to provide services for handicapped drivers who have**  
2               **disabilities**

3               Every full-service gasoline station offering self-service pumping at a lesser cost shall  
4               require an attendant employed by the station to dispense gasoline to any motor vehicle  
5               properly displaying a ~~handicapped~~ placard or special designating plates issued under Title  
6               29-A, section 521; when the person to whom the placard or plates have been issued is the  
7               operator of the vehicle, the service is requested, the operator has a driver's license  
8               designated with a code S, restricted to special equipment, and ~~there is no nonhandicapped~~  
9               an adult without a disability is not in the motor vehicle.

10       **Sec. 16. 12 MRSA §12503, sub-§6**, as amended by PL 2003, c. 655, Pt. B, §249  
11       and affected by §422, is further amended to read:

12       **6. Fishing during event sanctioned by department.** A person who does not hold a  
13       fishing license may assist a child or a ~~handicapped~~ person who is disabled who is a  
14       participant in a fishing event sanctioned by the department.

15       **Sec. 17. 14 MRSA §1202-A**, as corrected by RR 2017, c. 1, §6, is further amended  
16       to read:

17       **§1202-A. Prohibition of discrimination**

18               A citizen may not be excluded from jury service in this State on account of race, color,  
19               religion, sex, sexual orientation as defined in Title 5, section 4553, subsection 9-C, national  
20               origin, ancestry, economic status, marital status, age or physical ~~handicap~~ disability, except  
21               as provided in this chapter.

22       **Sec. 18. 17 MRSA §1311**, as enacted by PL 1971, c. 58, §1, is amended to read:

23       **§1311. Policy**

24               It is the policy of this State to encourage and enable ~~the persons who are~~ blind, ~~the~~  
25               visually ~~handicapped and the impaired or~~ otherwise physically disabled to participate fully  
26               in the social and economic life of the State and to engage in remunerative employment.

27       **Sec. 19. 17 MRSA §1312**, as amended by PL 2015, c. 457, §8, is further amended  
28       to read:

29       **§1312. Rights**

30       **1. Streets and public places.** ~~The~~ Persons who are blind, ~~the~~ visually ~~handicapped~~  
31       and ~~the impaired or~~ otherwise physically disabled have the same right as ~~the able-bodied~~  
32       persons who are not disabled to the full and free use of the streets, highways, sidewalks,  
33       walkways, public buildings, public facilities and other public places.

34       **2. Public conveyances.** ~~The~~ Persons who are blind, ~~the~~ visually ~~handicapped and the~~  
35       impaired or otherwise physically disabled are entitled to full and equal accommodations,  
36       advantages, facilities and privileges of all common carriers, airplanes, motor vehicles,  
37       railroad trains, motor buses, street cars, boats or any other public conveyances or modes of  
38       transportation, hotels, lodging places, places of public accommodation, amusement or  
39       resort, and other places to which the general public is invited, subject only to the conditions  
40       and limitations established by law and applicable alike to all persons.

41       **3. Service dogs.** Every person who is totally or partially blind or otherwise physically  
42       or mentally disabled ~~person~~ has the right to be accompanied by a service dog, ~~especially~~

1 specially trained for the purpose, in any of the places listed in subsection 2 without being  
2 required to pay an extra charge for the service dog; however, the person is liable for any  
3 damage done to the premises or facilities by such a dog.

4 **4. Especially Specially trained service dog trainer; access to public facilities;  
5 responsibilities.** An especially A specially trained service dog trainer, while engaged in  
6 the actual training process and activities of service dogs, has the same rights, privileges and  
7 responsibilities described in this section with respect to access to and use of public facilities  
8 as are applicable to a persons who are blind, visually ~~handicapped~~ impaired or otherwise  
9 physically or mentally disabled ~~person~~.

10 **5. Housing accommodations; persons with service dogs.** Every person who is blind  
11 or visually ~~handicapped~~ impaired or otherwise physically or mentally disabled ~~individual~~  
12 who has a service animal, such as a service dog, is entitled to full and equal access to all  
13 housing accommodations provided for in this section. ~~Blind Persons who are blind~~ or  
14 visually impaired or otherwise physically or mentally disabled ~~individuals~~ may not be  
15 required to pay extra compensation to keep service animals. A person who is blind or  
16 visually impaired or otherwise physically or mentally disabled ~~person~~ is liable for any  
17 damages done to the premises by the service animal.

18 **6. Housing accommodations; definitions.** "Housing accommodations," as used in  
19 this section, means any real property, or portion of real property, which is used or occupied,  
20 or is intended, arranged or designed to be used or occupied, as the home, residence or  
21 sleeping place of one or more human beings, including, but not limited to, public housing  
22 projects and all forms of publicly assisted housing, single and multifamily rental and sale  
23 units, lodging places, condominiums and cooperative apartments. "Housing  
24 accommodations" does not include:

25 A. The rental of a housing accommodation in a building which contains housing  
26 accommodations for not more than 2 families living independently of each other, if the  
27 owner or members of the owner's family reside in that housing accommodation; or

28 B. The rental of a room or rooms in a housing accommodation, if the rental is by the  
29 occupant of the housing accommodation or by the owner of the housing  
30 accommodation and the owner or members of the owner's family reside in that housing  
31 accommodation.

32 **7. Service dog; definition.** As used in this section, "service dog" means a dog that  
33 meets the definition of "service animal" in Title 5, section 4553, subsection 9-E.

34 **Sec. 20. 17 MRSA §1316**, as enacted by PL 1971, c. 58, §1, is amended to read:

35 **§1316. Employment**

36 It is the policy of this State that ~~the persons who are~~ blind, ~~the visually handicapped~~  
37 ~~and the~~ impaired or otherwise physically disabled ~~shall~~ must be employed in the state  
38 service, in the service of the political subdivisions of the State, in the public schools and in  
39 all other employment supported in whole or in part by public funds on the same terms and  
40 conditions as ~~the able-bodied~~ persons who are not disabled, unless it is shown that the  
41 particular disability prevents the performance of the work involved.

42 **Sec. 21. 18-C MRSA §9-401, sub-§4, ¶A**, as enacted by PL 2017, c. 402, Pt. A,  
43 §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

1 A. Has a physical, mental or emotional ~~handicap~~ disability that makes placement  
2 difficult;

3 **Sec. 22. 18-C MRSA §9-401, sub-§7**, as enacted by PL 2017, c. 402, Pt. A, §2  
4 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

5 **7. Duration of assistance.** The duration of assistance under the program may continue  
6 until the cessation of legal parental responsibility or until the parents are no longer  
7 supporting the child, at which time the adoption assistance ceases. However, if the child  
8 has need of educational benefits or has a physical, mental or emotional ~~handicap~~ disability,  
9 adoption assistance may continue until the adoptee has attained 21 years of age if the  
10 adoptee, the parents and the department agree that the need for care and support exists.

11 **Sec. 23. 20-A MRSA §1, sub-§24-A, ¶C**, as enacted by PL 1985, c. 789, §§1 and  
12 9, is amended to read:

13 C. A "specialized children's home," which is a facility licensed to provide care to no  
14 more than 4 children who are moderately to severely ~~handicapped children~~ disabled by  
15 a caretaker who is specifically educated and trained to provide for the particular needs  
16 of each child placed; and

17 **Sec. 24. 20-A MRSA §1, sub-§24-A, ¶D**, as amended by PL 2013, c. 179, §3, is  
18 further amended to read:

19 D. A "children's residential care facility," which provides board and care for one or  
20 more children on a regular, 24-hours-a-day, residential basis. A children's residential  
21 care facility does not mean family foster home, specialized children's home or an  
22 emergency children's shelter. The term includes, but is not limited to:

23 (1) A "group home," which is a children's residential care facility operated by a  
24 corporation and licensed for the purpose of providing board and care for up to 10  
25 children;

26 (2) A "residential agency," which is a children's residential care facility operated  
27 by a corporation and licensed for the purpose of providing board and care to more  
28 than 10 children;

29 (3) A "residential treatment center," which is a children's residential care facility  
30 operated by a corporation and licensed for the purpose of providing therapeutically  
31 planned, group living situations within which educational, recreational, medical  
32 and sociopsychotherapeutic components are integrated for children whose present  
33 ~~handicaps~~ disabilities preclude community outpatient treatment;

34 (4) A "residential treatment facility," which is a children's residential care facility  
35 operated by a corporation and licensed for the purpose of providing board, care and  
36 treatment for more than 10 children who are moderately to severely ~~handicapped~~  
37 ~~children and which~~ disabled that does not contain an educational component; and

38 (5) A "therapeutic group home," which is a children's residential care facility  
39 operated by a corporation and licensed for the purpose of providing board, care and  
40 treatment for up to 10 children who are moderately to severely ~~handicapped~~  
41 ~~children~~ disabled.

1           **Sec. 25. 20-A MRSA §3254-A, sub-§2**, as enacted by PL 1985, c. 490, §7, is  
2 amended to read:

3           **2. Preschool programs.** The commissioner may establish preschool programs for  
4 ~~handicapped~~ children with disabilities between the ages of 3 and 5 years or contract with  
5 school administrative units to provide the programs.

6           **Sec. 26. 20-A MRSA §12704, sub-§6**, as enacted by PL 1985, c. 695, §11, is  
7 amended to read:

8           **6. Special training and education.** ~~Provide~~ Providing, directly or through contractual  
9 or other arrangements, remedial and special training and education programs for persons  
10 who are disadvantaged and handicapped persons or disabled, designed to enable them to  
11 make maximum use of their aptitudes and abilities and achieve meaningful employment  
12 and economic self-sufficiency; and

13           **Sec. 27. 20-A MRSA §15672, sub-§30-A, ¶C**, as enacted by PL 2005, c. 2, Pt.  
14 D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

15           C. The following preschool ~~handicapped~~ disability services:

16                   (1) The salary and benefit costs of certified professionals, assistants and aides or  
17 persons contracted to perform preschool ~~handicapped~~ disability services that have  
18 been approved by the commissioner; and

19                   (2) The cost of tuition to other schools for programs that have been approved by  
20 the commissioner; and

21           **Sec. 28. 21-A MRSA §630**, as amended by PL 2011, c. 613, §24 and affected by  
22 §29, is further amended by amending the section headnote to read:

23           **§630. Accessible voting places for ~~the physically handicapped~~ persons with physical**  
24 **disabilities**

25           **Sec. 29. 22 MRSA §3571, sub-§2**, as enacted by PL 1985, c. 484; amended by PL  
26 1995, c. 560, Pt. K, §82 and affected by §83; and amended by PL 2001, c. 354, §3 and PL  
27 2003, c. 689, Pt. B, §6, is further amended to read:

28           **2. Counseling and support services; Department of Health and Human Services.**  
29 The Department of Health and Human Services shall institute programs of family  
30 counseling and support services for families with children who are developmentally  
31 disabled ~~children~~ aged 0 to 5 years. The purpose of these counseling and support services  
32 ~~shall~~ must be to increase the family's understanding of the child's special needs and to  
33 enhance family members' abilities to cope with the physical and emotional strains  
34 experienced by families with ~~handicapped~~ disabled children.

35           **Sec. 30. 22 MRSA §3571, sub-§3**, as amended by PL 1989, c. 700, Pt. A, §81, is  
36 further amended to read:

37           **3. Preschool coordination projects; Department of Education.** The Department of  
38 Education through the preschool coordination projects shall ~~assure~~ ensure the provision of  
39 comprehensive developmental services, including physical therapy, speech and language  
40 therapy and occupational therapy to preschool ~~handicapped~~ children who are disabled or  
41 delayed children. To the maximum extent possible, these programs ~~shall~~ must make use  
42 of existing 3rd party payors and coordinate services with local resources. In instances



1 where needed services are not available, the department shall use authorized funds to enable  
2 preschool coordination projects to work with local providers, including public and private  
3 agencies and school units to develop new or expand existing service to meet these needs.

4 In addition, the Department of Education shall ensure that comprehensive health  
5 educational programs are available in state schools and that teacher training programs in  
6 the State include preparation in conduct of health educational programs.

7 **Sec. 31. 22 MRSA §4038-D, sub-§5**, as amended by PL 2011, c. 402, §13, is  
8 further amended to read:

9 **5. Duration of guardianship subsidy.** A guardianship subsidy may be provided for  
10 a period of time based on the needs of a child. The subsidy may continue until the  
11 termination of the permanency guardianship or until the permanency guardian is no longer  
12 caring for the child, at which time the guardianship subsidy ceases. If the child has need  
13 of educational benefits or has a physical, mental or emotional ~~handicap~~ disability, the  
14 guardianship subsidy may continue until the child has attained 21 years of age if the child,  
15 the parents and the department agree that the need for care and support exists.

16 **Sec. 32. 22 MRSA §8101, sub-§5**, as enacted by PL 1981, c. 260, §4, is amended  
17 to read:

18 **5. Specialized children's home.** "Specialized children's home" means a children's  
19 home where care is provided to no more than 4 children who are moderately to severely  
20 ~~handicapped children~~ disabled by a caretaker who is specifically educated and trained to  
21 provide for the particular needs of each child placed. The total number of children in a  
22 specialized children's home may not exceed 4, including the caretaker's legal children under  
23 16 years of age, with no more than 2 children under the age of 2.

24 **Sec. 33. 22 MRSA §8107, sub-§2**, as amended by PL 1985, c. 706, §10, is further  
25 amended to read:

26 **2. Handicapped Disabled child; placement.** The definitions used ~~shall~~ do not  
27 preclude the department from placing a child who is moderately to severely ~~handicapped~~  
28 ~~child~~ disabled in any appropriate child care facility at the department's discretion, subject  
29 to the limitations on the number of children specified in section 8101, subsections 1 and 3.

30 **Sec. 34. 24 MRSA §2931, sub-§3**, as enacted by PL 1985, c. 804, §§16 and 22, is  
31 amended to read:

32 **3. Birth of unhealthy child; damages limited.** Damages for the birth of an unhealthy  
33 child born as the result of professional negligence ~~shall be~~ are limited to damages associated  
34 with the disease, defect or ~~handicap~~ disability suffered by the child.

35 **Sec. 35. 24 MRSA §2931, sub-§4**, as enacted by PL 1985, c. 804, §§16 and 22, is  
36 amended to read:

37 **4. Other causes of action.** This section ~~shall~~ does not preclude causes of action based  
38 on claims that, but for a wrongful act or omission, maternal death or injury would not have  
39 occurred or ~~handicap~~ disability, disease, defect or deficiency of an individual prior to birth  
40 would have been prevented, cured or ameliorated in a manner that preserved the health and  
41 life of the affected individual.

1           **Sec. 36. 24-A MRSA §2159-A, last ¶**, as repealed and replaced by PL 1985, c.  
2 445, is amended to read:

3           No An insurer authorized to transact business in this State may not refuse to insure or  
4 continue to insure, limit the amount, extent or kind of coverage available to an individual  
5 or charge an individual a rate different from that normally charged for the same coverage  
6 solely because the insured or the applicant for insurance has a physical or mental ~~handicap~~  
7 disability, as defined in Title 5, section 4553, subsection 7-A, other than blindness or partial  
8 blindness, unless the basis for that action is clearly demonstrated through sound actuarial  
9 evidence.

10           **Sec. 37. 25 MRSA §2925, sub-§1**, as amended by PL 1997, c. 291, §1, is further  
11 amended to read:

12           **1. Membership.** The E-9-1-1 Council is composed of 17 members; one appointed by  
13 the Public Utilities Commission; one appointed by the Commissioner of Public Safety; and  
14 15 appointed by the Governor, including one who is a municipal official nominated by the  
15 statewide association of municipalities, one county official nominated by a statewide  
16 association of county commissioners, one who is a chief of a municipal police department  
17 nominated by the statewide association of chiefs of police, one who is the chief of a  
18 municipal fire department nominated by the statewide association of fire chiefs, one who  
19 is a county sheriff nominated by the statewide association of sheriffs, one who represents  
20 small telephone companies, one who represents the largest provider of local exchange  
21 telephone services, one who represents cellular or wireless service providers, one who  
22 represents a direct provider of emergency medical services, one who is a dispatcher  
23 nominated by the statewide association of dispatchers, one who is a member of a volunteer  
24 fire department, one to represent the persons who are deaf and hard of hearing ~~impaired~~  
25 and 3 to represent the public-at-large. Each member may name a designee who may attend  
26 meetings of the council and act on that member's behalf in council proceedings.

27           **Sec. 38. 25 MRSA §2932, sub-§1**, as amended by PL 2015, c. 62, §1, is further  
28 amended to read:

29           **1. Designated emergency telephone number.** The primary telephone number to be  
30 used in a telephone exchange to request emergency services following the activation of E-  
31 9-1-1 services for that exchange, including the number for telecommunications devices for  
32 communication for the persons who are deaf, hard of hearing and speech-impaired ~~hard of~~  
33 hearing or speech impaired, is 9-1-1. A person may not advertise or promote for emergency  
34 response services any telephone number other than 9-1-1.

35           **Sec. 39. 26 MRSA §1192, sub-§3**, as amended by PL 2017, c. 453, §1, is further  
36 amended to read:

37           **3. Is able and available for work.** The individual is able to work and is available for  
38 full-time work at the individual's usual or customary trade, occupation, profession or  
39 business or in such other trade, occupation, profession or business for which the individual's  
40 prior training or experience shows the individual to be fitted or qualified, as long as the  
41 geographic region in which the work will take place is not greater than 35 miles from the  
42 individual's primary residence; and in addition to having complied with subsection 2 is  
43 actively seeking work in accordance with the regulations of the commission; ~~provided~~  
44 except that no ineligibility may be found solely because the claimant is unable to accept

1 employment on a shift, the greater part of which falls between the hours of midnight to 5  
2 a.m., and is unavailable for that employment because of parental obligation, the need to  
3 care for an immediate family member or the unavailability of a personal care attendant  
4 required to assist the unemployed individual who is has a handicapped person disability;  
5 and provided except that an unemployed individual who is neither able nor available for  
6 work due to good cause as determined by the deputy is eligible to receive prorated benefits  
7 for that portion of the week during which the individual was able and available.

8 A. Notwithstanding this subsection, beginning January 1, 2004, an individual who is  
9 not available for full-time work as required in this subsection is not disqualified from  
10 receiving benefits if:

11 (1) The individual worked less than full time for a majority of the weeks during  
12 that individual's base period and the individual is able and available for and actively  
13 seeking part-time work for at least the number of hours in a week comparable to  
14 those customarily worked in part-time employment during that individual's base  
15 period; or

16 (2) The individual worked full time for a majority of the weeks during that  
17 individual's base period, but is able and available for and actively seeking only  
18 part-time work because of the illness or disability of an immediate family member  
19 or because of limitations necessary for the safety or protection of the individual or  
20 individual's immediate family member.

21 **Sec. 40. 26 MRSA §1193, sub-§3, ¶B**, as amended by PL 2011, c. 645, §7, is  
22 further amended by amending subparagraph (5) to read:

23 (5) If the position offered is on a shift, the greater part of which falls between the  
24 hours of midnight and 5 a.m., and is refused because of parental obligation, the  
25 need to care for an immediate family member or the unavailability of a personal  
26 care attendant required to assist the unemployed individual who is a handicapped  
27 person with a disability;

28 **Sec. 41. 26 MRSA §1411-A, sub-§6, ¶D**, as enacted by PL 1995, c. 560, Pt. F,  
29 §13, is amended to read:

30 D. Interpreting and other specific services necessary to meet the unique needs of those  
31 persons who are deaf or ~~who have impaired~~ hard of hearing. These services must  
32 include the aid of qualified personnel and interpreters who can relate to and  
33 communicate on an effective and meaningful basis with persons who are deaf or ~~have~~  
34 impaired hard of hearing;

35 **Sec. 42. 30-A MRSA §471, sub-§1**, as enacted by PL 1989, c. 104, Pt. A, §11 and  
36 Pt. C, §10, is amended to read:

37 **1. Programs established.** Each sheriff's department may establish a program to  
38 deputize volunteer parking enforcement specialists to enforce handicapped disabled  
39 parking restrictions in private parking lots within the county, in areas ~~which~~ that are not  
40 within the jurisdiction of a municipal police department, pursuant to enforcement  
41 agreements entered into between the sheriff's department and the owners of those lots under  
42 section 3009, subsection 1, paragraph D.

1           **Sec. 43. 30-A MRSA §471, sub-§2**, as enacted by PL 1989, c. 104, Pt. A, §11 and  
2 Pt. C, §10, is amended by amending the first blocked paragraph to read:

3 The sheriff's department should seek applicants who ~~are handicapped~~ have disabilities.

4           **Sec. 44. 30-A MRSA §471, sub-§3, ¶A**, as enacted by PL 1989, c. 104, Pt. A, §11  
5 and Pt. C, §10, is amended to read:

6           A. Issue parking citations, tickets or oral warnings to operators of motor vehicles  
7 parked in violation of any ~~handicapped~~ disabled parking restriction in private parking  
8 lots, pursuant to agreements entered into under section 3009, subsection 1, paragraph  
9 D; and

10           **Sec. 45. 30-A MRSA §472, sub-§1**, as enacted by PL 1989, c. 104, Pt. A, §11 and  
11 Pt. C, §10, is amended to read:

12           **1. Programs established.** Each municipal police department, with the approval of the  
13 municipal officers, may establish a program or contract with the sheriff to carry out a  
14 program to deputize volunteer parking enforcement specialists to enforce ~~handicapped~~  
15 disabled parking restrictions in private lots within the municipality, pursuant to  
16 enforcement agreements entered into between the police department and the owners of  
17 those lots under section 3009, subsection 1, paragraph D.

18           **Sec. 46. 30-A MRSA §472, sub-§2**, as enacted by PL 1989, c. 104, Pt. A, §11 and  
19 Pt. C, §10, is amended by amending the first blocked paragraph to read:

20 The police department should seek applicants who ~~are handicapped~~ have disabilities.

21           **Sec. 47. 30-A MRSA §472, sub-§3, ¶A**, as enacted by PL 1989, c. 104, Pt. A, §11  
22 and Pt. C, §10, is amended to read:

23           A. Issue parking citations, tickets or oral warnings to operators of motor vehicles  
24 parked in violation of any ~~handicapped~~ disabled parking restriction in private parking  
25 lots, pursuant to agreements entered into under section 3009, subsection 1, paragraph  
26 D; and

27           **Sec. 48. 30-A MRSA §3010, sub-§6**, as amended by PL 2007, c. 548, §2, is further  
28 amended to read:

29           **6. Rights of individuals.** A cable system operator may not deny service, deny access  
30 or otherwise discriminate against subscribers, channel users or general citizens on the basis  
31 of age, race, religion, sex, physical ~~handicap~~ disability or country of natural origin.

32           **Sec. 49. 32 MRSA §14203, sub-§2, ¶D**, as enacted by PL 1991, c. 397, §6, is  
33 amended to read:

34           D. On ~~invalids or handicapped~~ persons with disabilities in those persons' places of  
35 residence;

36           **Sec. 50. 32 MRSA §15202, sub-§13**, as enacted by PL 1995, c. 560, Pt. H, §14  
37 and affected by §17, is amended to read:

38           **13. Physically ~~handicapped~~ disabled person.** "Physically ~~handicapped~~ disabled  
39 person" means a person who has a physiological disability, infirmity, malformation,  
40 disfigurement or condition that eliminates or severely limits the person's ability to have

1 access to the person's environment by normal ambulatory function, necessitating the use of  
2 crutches, a wheelchair or other similar device for locomotion.

3 **Sec. 51. 33 MRSA §124, sub-§4**, as enacted by PL 1991, c. 373, is amended to  
4 read:

5 **4. Class of persons to whom residential real estate may be sold.** To restrict the  
6 class of persons to whom residential real estate may be sold or leased, as long as that  
7 restriction does not discriminate based upon race, color, sex, physical or mental ~~handicap~~  
8 disability, religion, ancestry or national origin and does not otherwise contravene the  
9 Constitution of Maine or the United States Constitution;

10 **Sec. 52. 34-B MRSA §6204, sub-§2-A**, as corrected by RR 2003, c. 2, §107, is  
11 amended to read:

12 **2-A. Improvement and expansion of day treatment services for emotionally**  
13 **handicapped disabled children.** The department shall work cooperatively with the  
14 Department of Corrections and Department of Education to improve and expand day  
15 treatment programs for ~~emotionally handicapped~~ school-age children who are emotionally  
16 disabled so that they and their families may receive necessary, appropriate and coordinated  
17 therapeutic and educational services in home and community settings, reducing the  
18 likelihood that out-of-home or residential treatment placements will be required. The  
19 department shall license these programs pursuant to sections 3603 and 3606. The  
20 Department of Education shall approve these programs pursuant to Title 20-A, chapter 206.  
21 The 2 departments shall jointly develop standards to ensure a consistent high quality  
22 throughout the State.

23 **Sec. 53. 35-A MRSA §7101, sub-§5**, as enacted by PL 2003, c. 553, Pt. B, §1, is  
24 amended to read:

25 **5. Homeland security and emergency alerts.** The Legislature further finds that  
26 seamless, integrated, robust and redundant means of communication, including, but not  
27 limited to, voice and alphanumeric pagers, landline telephones, wireless telephones, text  
28 radio and wireless e-mail, create a robust communication system that enables rapid contact  
29 with first responders, ensures emergency alert notification to all affected persons in the  
30 State, including at-risk populations such as ~~the persons who have hearing loss or visually~~  
31 ~~impaired~~ visual impairments, and enhances homeland security. It is the policy of the State  
32 to encourage the deployment of the infrastructure necessary to support such a  
33 communications system.

34 **Sec. 54. 35-A MRSA §7503, sub-§3, ¶B**, as enacted by PL 1987, c. 628, §6, is  
35 amended to read:

36 B. "Wheelchair accessible" means meeting the most recent applicable standards of the  
37 American National Standards Institute for accessibility by ~~the physically handicapped~~  
38 persons with disabilities at the time of placement.

39 **Sec. 55. 35-A MRSA §7505**, as amended by PL 2009, c. 174, §§24 and 25, is further  
40 amended to read:

41 **§7505. Telecommunication devices for the persons who are hard of hearing and or**  
42 **speech impaired required in public facilities**

1           **1. State buildings.** The Department of Administrative and Financial Services shall  
2 require the installation and maintenance of telecommunication devices for communication  
3 for the persons who are deaf, hard of hearing, late deafened and speech-impaired or speech  
4 impaired who rely on those devices for telephone communications in locations accessible  
5 to the public in state buildings where a primary function is the delivery of service to the  
6 general public in accordance with a plan developed by the Department of Administrative  
7 and Financial Services, Bureau of Information Services and the Department of Labor,  
8 Bureau of Rehabilitation Services.

9           **2. Other facilities serving the public.** If public telephones are provided in a public  
10 facility, it ~~shall be~~ is the responsibility of the owner or manager of the public facility to  
11 provide equal access by providing at least one telecommunication device for ~~the persons~~  
12 who are hard of hearing and or speech impaired in the public facility.

13           **3. Public facilities.** For the purposes of this section, the following kinds of facilities  
14 shall be considered public facilities:

- 15           A. Airport terminals serving scheduled flights;
- 16           B. Bus and train depots; and
- 17           C. Hospitals.

18           **4. Notice.** A sign noting the availability and location of the telecommunication device  
19 for persons who are hard of hearing and or speech impaired ~~persons shall~~ must be posted  
20 by the owner of the facility in a conspicuous location within each public facility covered  
21 by this section.

22           **5. Devices.** The requirements of this section may be satisfied by installation of  
23 telecommunications devices for the deaf as defined in section 8702, subsection 6, or other  
24 devices approved by the Department of Labor, Bureau of Rehabilitation Services, Division  
25 for the Deaf, Hard of Hearing and Late Deafened.

26           **6. Relief.** A violation of this section is unlawful public accommodations  
27 discrimination under Title 5, section 4592, and any person aggrieved may assert that  
28 person's rights pursuant to Title 5, chapter 337.

29           **Sec. 56. 36 MRSA §1760, sub-§70**, as amended by PL 1989, c. 871, §14, is further  
30 amended to read:

31           **70. Organizations providing certain services for ~~hearing-impaired persons who~~**  
32 **are hard of hearing.** Sales to incorporated nonprofit organizations whose primary  
33 purposes are to promote public understanding of hearing ~~impairment~~ loss and to assist  
34 ~~hearing-impaired persons who are hard of hearing~~ through the dissemination of information  
35 about hearing ~~impairment~~ loss to the general public and referral to and coordination of  
36 community resources available to ~~hearing-impaired persons who are hard of hearing~~.

37           **Sec. 57. 36 MRSA §2557, sub-§25**, as enacted by PL 2003, c. 673, Pt. V, §25 and  
38 affected by §29, is amended to read:

39           **25. Organizations providing certain services for ~~hearing-impaired persons who~~**  
40 **are hard of hearing.** Sales to incorporated nonprofit organizations whose primary  
41 purposes are to promote public understanding of hearing ~~impairment~~ loss and to assist  
42 ~~hearing-impaired persons who are hard of hearing~~ through the dissemination of information

1 about hearing ~~impairment~~ loss to the general public and referral to and coordination of  
2 community resources available to ~~hearing-impaired~~ persons who are hard of hearing;

3 **Sec. 58. State to discontinue the use of the terms "handicap,"**  
4 **"handicapped" and "hearing impaired."** Departments, agencies and offices of the  
5 legislative, executive and judicial branches of State Government shall discontinue the use  
6 of the terms "handicap," "handicapped" and "hearing impaired" to describe a person or set  
7 of persons in all laws, rules and official documents. The Department of Labor shall report  
8 to the Joint Standing Committee on Labor and Housing by December 1, 2021 regarding  
9 progress on removing the terms from official documents and a reasonable time frame to  
10 complete the removal.

#### 11 SUMMARY

12 This bill amends the Maine Revised Statutes to remove the terms "handicap,"  
13 "handicapped" and "hearing impaired" where they are used to describe a person or set of  
14 persons in the Maine Revised Statutes and directs all branches of State Government to  
15 discontinue the use of the terms. It directs the Department of Labor to report to the Joint  
16 Standing Committee on Labor and Housing by December 1, 2021 regarding progress on  
17 removing the terms from official documents and a reasonable time frame to complete the  
18 removal. It also broadens the scope of provisions setting out state policy regarding  
19 participation in the social and economic life of the State and public employment to cover  
20 persons who are disabled, not only persons who are physically disabled.