



**Testimony of the Maine Municipal Association
In Opposition To**

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

February 7, 2024

Sen. Carney, Rep. Moonen and members of the Judiciary Committee, my name is Rebecca Lambert, and I am providing testimony in opposition to LD 2195 on behalf of the Maine Municipal Association's (MMA) elected 70-member Legislative Policy Committee (LPC), who provide direction to the advocacy team and establishes the position on bills of municipal interest.

Municipal officials strive to follow the law and are attentive to accommodate the needs of people with disabilities to assure access to public buildings. Although they appreciate that LD 2195 aims to involve the property owner before a violation is brought to the Maine Human Rights Commission (MHRC), frequently, MHRC complaints are initiated without notice to the property owner that a violation is present. This bill attempts to correct that issue, but local leaders still have some concerns.

The Maine Human Rights Act requires removal of architectural barriers when it is readily achievable, and while a court would have to determine if removal of the barrier is readily achievable, this could invite more complaints and litigation, rather than less. This bill also requires the owner to respond to the complaint within 60 days and describe the steps they plan to take to remove the barrier, and further requires that the barrier be removed, or substantial progress is made within 60 days of providing that response. This language implies that every issue someone brings forth will need to be considered a barrier, and that every barrier needing removal is readily achievable.

From the local perspective, it makes more sense for the municipality to determine if the remedy is readily achievable, with an appeals process available for the individual making the complaint. An administrative appeals process would be far less expensive and overwhelming for both the individual and the entity and would help to weed out the cases in which there is not a barrier, or the removal of such barrier is not achievable. If this bill is amended to provide more protection for a municipality or business to deem the barrier as removable and create an appeals process for the individual making the complaint, local leaders would be more supportive of this measure.

For these reasons, we are opposed to this bill. Thank you for considering the municipal perspective on this issue. I would be happy to answer any questions you may have.

