

TESTIMONY BEFORE STATE OF MAINE JUDICIARY COMMITTEE
FEBRUARY 7, 2024

I am here to voice my **opposition** to LD 2195.

My name is Elizabeth Coffey. I live in Bangor. I have multiple sclerosis (MS) and use a mobility scooter to get around.

I am grateful to have this mobility device for it helps me in so many ways and can get me around to so many places.

My scooter, however, cannot get me into or around many buildings without some basic structural accommodations—ramps, larger accessible bathrooms with grab bars, signage indicating where I can find an elevator to use.

I am deeply grateful for protection under the Maine Human Rights Act and the ADA (enacted 34 years ago now) that have made the above accommodations required and thus available, so that I can enjoy many of the same opportunities able-bodied people do.

And yet, even though we people with disabilities have the protection of the Maine Human Rights Act and have benefited in the 34 years since the passage of the Americans with Disabilities Act, architectural/structural and other barriers still abound, and we are held back and left out. For example:

—I have often been **able** to get up to a building's door, due to a ramp or wide gently sloped walkway, only then **not been able** enter the building because the door is too heavy to open, there is no button to push to automatically open the door, nor even a doorbell to ring for someone;

— Other times, when there **has been** an automatic door opening button, it was placed too close the door for me to get in without being whacked by the door before getting around it;

—And then, when there has been an automatic door opening button, but the door opened the wrong way, I was not only whacked by the opening door, but then pinned between a heavy door and the ramp railing.

—Often times after I get inside a building, I cannot access the restroom, as there are never automatic door openers for these doors. I must wait for a kind stranger to let me in and out of the women's room.

—Not long ago I was at a hotel for a conference. When I went to use the women's room, I found the corridor inside the women's room, (the area between the stall doors and the wall) too narrow for my mobility scooter. I could not get to even a regular

bathroom, let alone the handicapped stall at the end of the row. I was forced to go across the street, to use the bathroom at a restaurant.

—Finally, I have been trapped in and out of hotel rooms (doors too heavy) and realized there would be no way to escape if there was a fire. I would either suffocate or burn in my room. Or if trapped outside my non-ground floor “accessible” room, unable to escape down the stairs.

I mention these examples not to gain pity, but to highlight that there is still much work to be done to remove architectural/structural barriers for people with physical disabilities.

I came hear today to testify against LD 2195 because if enacted it will create a substantial hardship on persons with physical disabilities, beyond the many barriers that still exist.

If LD 219 is passed, people with physical disabilities will now have to jump through a number of hoops— 1) written notice to the owner of the date and time they could not gain access to a place or space, 2) wait 60 days for the barrier to be removed, and 3) if the owner fails to make the fix, only then can a suit could be filed. In all reality the disabled person may wait many more months as the case makes its way through the court system. All because of this proposed change to the Human Rights Act.

If this amendment is enacted, a business owner, a public or civic space will not have to remove **any** architectural barriers (steps, inaccessible bathrooms, too narrow walkways) until a disabled person complains.

Once again physically disabled people will go back to being fully-fledged second class citizens, shut out and left out of opportunities, forced to rely on the kindness of strangers, or charitably minded businesses to do the right thing.

Some of the medicine I take affects my kidneys. I am fine. But think about how this amendment to the HRA could impact a person in renal failure whose doctor refers them to dialysis, but cannot get in the door? I am no doctor, but 60-plus days, without dialysis, to wait for “notice and cure” is not only discrimination pure and simple, but a death sentence.

How, does this proposed change to the Human Rights Act in any way reflect the intentions of the establishment of HRA and ADA?

It is my understanding that the proposed bill is potentially being amended to apply only to the people who are visually impaired. I lend my voice to their opposition to this bill as well, with an experience of mine:

Not too long ago I came across signage outside a cafeteria for an adjacent room meant for small gatherings that I was entering. The sign said as much, and underneath it was the Braille configuration of dots saying the same. Great! I thought to myself.

Accessibility for people who are visually impaired! Curious, I reached up to feel what Braille feels like for someone needing this aid.

Guess what? The dots were not raised at all! They were just printed—white color on dark background, same as the words “Small Gathering Room.” My guess the work of a very sighted person.

34 years on, and still this happens. And yet if this bill passes many blind and wheel chair users will be required to “jump” through hoops they can neither see nor reach. This is discrimination my friends, plain and simple.

I am here today to strongly oppose LD 2195, as a person with a disability, a protected class under the Maine Human Rights Act. I stand, seated, with my visually impaired sisters and brothers in disability: We are all in this together. Discrimination against one is discrimination against all.

Thank you.