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SECOND REGULAR SESSION

FINAL REPORT OF THE COMMISSION ON INDEPENDENT LIVING AND DISABILITY

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Table of Contents

Page

Executive Summary i

I. Introduction 1

II. Background 3

III. Relevant Federal and State Laws 4

IV. Independent Living Organizations and Programs 6

IV. Recommendations 9

Appendices

A. Authorizing Joint Order, H.P. 1361
B. Membership list, Commission on Independent Living and Disability
C. Recommended Draft Legislation

Executive Summary

Nearly 30 years since the Maine Legislature convened a commission to address the independent living needs of individuals with disabilities and issued the *Toward Opportunity* report[1] that helped shape policy and program direction for a generation of Maine citizens with disabilities, the 126th Legislature established the Commission on Independent Living and Disability. The Commission on Independent Living and Disability was created to examine and bolster current efforts to empower people with disabilities to live fully integrated, meaningful lives of substance and influence.

The Commission was established by Joint Order H.P. 1361 of the 126th Legislature (see Appendix A).[2] The Commission was composed of two members of the Senate, two members of the House of Representatives and nine public members. A list of the Commission members is included as Appendix B. The Commission's duties are set forth in the Joint Order and include the following:

- Evaluate the needs of Maine citizens with disabilities;
- Review existing available resources and services and recommend priorities for cost-effective changes designed to promote independent living and community inclusion;
- Examine the State's laws governing access to housing, transportation, public accommodation, education and employment; and
- Develop recommendations to improve the lives of and increase overall community participation by Maine citizens with disabilities, including expanding access to:
    - Assistive technology;
    - Appropriate and accessible housing and community-based living opportunities;
    - Appropriate education and training opportunities to promote employment of individuals with disabilities; and
    - Cost-effective transportation.

The Commission held four public meetings in Augusta on October 8, October 24, November 7, and November 20. All meetings were open to the public and were broadcast by audio transmission over the Internet. Although this report contains several appendices, additional resources and background materials (including materials submitted by panelists) are available at: http://legislature.maine.gov/legis/opla/independentliving.htm.

Due to the expansive nature of the Commission's duties, the Commission relied upon the guidance and expertise of its members, as well as the representatives of executive branch agencies, independent living organizations, transportation organizations, housing organizations, nonprofit community resource centers and workforce service organizations who participated in

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[2] The proposal to establish the Commission on Independent Living was first introduced in the Second Regular Session of the 126th Legislature as LD 1757, *Resolve, To Establish the Blue Ribbon Commission on Independent Living and Disability*, sponsored by Representative Matthew Peterson.

providing valuable information at the Commission's meetings. The following people made presentations to the Commission:

- Dennis Fitzgibbons, Executive Director, Alpha One, Inc. (overview of independent living philosophy for individuals with disabilities; facilitating mobility with transportation vouchers);
- Dr. Allan "Chip" Teel, Full Circle America (overview of living independently through technology);
- Sara Squires, Public Policy Director, Disability Rights Center (overview of current efforts in the transportation sector to increase access for individuals with disabilities);
- Peter Merrill, Deputy Director, MaineHousing (overview of accessible housing; update on waiting list priority and MaineHousing's online rental housing listing service);
- Kelly Osborn, Executive Director, Workforce Services, Goodwill (overview of employment of individuals with disabilities);
- John Dunleavy, Interim Director, Maine Center on Deafness (independent living presentation);
- John McMahon, Director, Maine Division for the Blind and Visually Impaired (independent living presentation);
- Jim Martin, Director, Office of Aging and Disability Services, Maine Department of Health and Human Services (overview of long term services and supports system and Medicaid waivers);
- Cullen Ryan, Executive Director, Community Housing of Maine (blueprint for effective transition);
- Jan Breton, Director of Special Services, Maine Department of Education (update on special education services for Maine students who are blind or visually impaired and related funding issues);
- Betsy Hopkins, Director, Division of Vocational Rehabilitation (discussion on Employment First and rehabilitation and employment assistance services from the Division of Vocational Rehabilitation);
- Nina Fisher, Manager of Legislative and Constituent Services, Maine Department of Transportation (overview of Complete Streets Program; briefing on Maine transit funding);
- Rick McCarthy, Maine Transit Association (discussion of services provided by regional transportation agencies to people with disabilities and related federal funding sources);
- Jim Wood, Transportation Director, Kennebec Valley Community Action Program (discussion of services provided by regional transportation agencies to people with disabilities and related federal funding sources);
- Ana Hicks, Chief of Staff, Office of the Speaker of the House, State of Maine (overview of the Speaker's bond proposal); and
- Kathy Despres, Program Director, C.A.R.E.S., Inc. (overview of experience from the client/provider standpoint about the length of time for clients to get into Individualized Plans for Employment).

The following are the Commission's final recommendations.

1. Transportation

A. The Commission recommends the establishment of a new public transit advisory council as drafted in the Joint Standing Committee on Transportation's amendment to the LD 1365, An Act To Promote New Models of Mobility and Access to Transportation during the 126th legislature. **[See Appendix C, draft legislation, Recommendation #1, Sections 1-10]**

B. The Commission recommends the establishment of a new working group to develop a multidisciplinary approach to transportation policy to help make transportation accessible to everyone by promoting access to transportation for individuals with disabilities. The Commission recommends that the Department of Health and Human Services, Department of Transportation, Department of Economic and Community Development, Department of Labor, and representatives of independent living programs be required to form a work group that will focus its efforts on advancing a rural transportation voucher system in Maine that will help provide additional independence for customers by allowing them to choose transportation services that meet their needs, from the type of vehicle to the time and day of travel. The work group may consult with organizations with expertise in the field of increasing accessibility in public transportation, including, but not limited to, the University of Montana Research and Training Center on Disability in Rural Communities, for assistance in developing a proposal for a statewide program utilizing vouchers. The work group is charged with identifying any available federal funding programs that could be used to advance a project in Maine, draft any necessary legislation to implement the project, and report back to the joint standing committee of the Legislature having jurisdiction over health and human services matters during the 2nd Regular Session of the 127th Legislature. **[See Appendix C, draft legislation, Recommendation #1, Section 11]**

2. Education Funding

A. The Commission supports the Maine Department of Education's ongoing efforts to meet its obligations under the federal law to provide a free and appropriate education for school children in Maine who are blind or visually impaired. The Commission supports the ongoing funding in the Department of Education's 2016 budget for three teachers for the visually impaired and recognizes that filling these vacant positions will likely require additional funding in order to have the salaries to attract and retain such professionals in Maine as neighboring states offer larger compensation packages for these professionals.

B. The Commission recommends changes in statute to improve the transition to adult services for children with disabilities and recommends the following changes: that transition services should be amended to begin at age 14; that schools engage with community partners for students with Individualized Education Programs; that transition and Section 504 plans include community service providers and independent living assessments; that the Division of Vocational Rehabilitation work with schools that have students receiving services from the Office of Child and Family Services to help prepare students for post-secondary life; and that schools work closely with the Division of Vocational Rehabilitation and Employment First to develop transition plans with student and family. **[See Appendix C, draft legislation, Recommendation #2]**

3. Annual Reports to the Legislature

A. The Commission recommends that the Department of Labor, Division of Vocational Rehabilitation provide an annual progress report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the State's efforts to improve vocational rehabilitation outcomes and reduce the length of time it takes for individuals to get into an individualized plan of employment (IPE), in accordance with the federal law. **[See Appendix C, draft legislation, Recommendation # 3]**

B. The Commission recommends that the Statewide Independent Living Council (SILC) be required to provide an annual progress report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the State's strategic planning efforts in the area of independent living programs, the delivery of services for individuals with disabilities and any recommendations to address hurdles or barriers in these efforts among state entities. **[See Appendix C, draft legislation, Recommendation #3]**

4. Building Codes – Maine Human Rights Act & ADA Enforcement

A. The Commission recommends strengthening enforcement efforts to improve accessibility in public accommodations for individuals with disabilities in order to ensure that all Maine citizens have equal access to public accommodations. The Commission supports these efforts by providing the Maine Disability Rights Center with standing to enforce the Maine Human Rights Act and to receive attorney fees. **[See Appendix C, draft legislation, Recommendation #4, Section 1]**

B. The Commission recommends clarification of the Office of the Maine State Fire Marshal's responsibility to inspect public accommodations to ensure compliance with federal and state accessibility requirements. The Commission recommends that the Office of the Maine State Fire Marshal's statutory responsibility be amended to ensure that this Office is the designated state entity responsible for performing an on-

site inspection of final plans for compliance with the Americans with Disabilities Act (ADA) standards for new construction in public accommodations. In addition, the Commission recommends amending the laws governing the issuance of the certificate of occupancy by code enforcement officers or third party inspectors for new construction to require that building code standards incorporate ADA accessibility standards. **[See Appendix C, draft legislation, Recommendation #4, Sections 2 and 3]**

5. **Public Housing**

A. The Commission recommends enhanced efforts to disseminate information regarding the availability of ADA accessible rental housing in Maine. The Commission recommends requiring public housing authorities and landlords who receive public money for housing units to post vacancies for ADA accessible apartments on MaineHousing's free on-line rental housing listing service website, MaineHousingSearch.org. **[See Appendix C, draft legislation, Recommendation #5]**

6. **Employment**

A. The Commission requests that C.A.R.E.S., Inc. provide to the chairs of the joint standing committee having jurisdiction over health and human services matters a copy of the letter to be sent to the State Rehabilitation Council regarding the Maine Division of Vocational Rehabilitation's efforts to improve vocational rehabilitation outcomes and reduce the length of time it takes for individuals to get into an individualized plan of employment (IPE), in accordance with the federal law (34 Code of Federal Regulations, Part 361 State Vocational Rehabilitation Services Program: Final Rule 361.36: Ability of serve all eligible individuals; order of selection).

B. The Commission recommends that the Maine Department of Labor, Division of Vocational Rehabilitation furthers its efforts under paragraph A to reduce the time for individuals to get into an IPE by transitioning several of their Rehabilitation Counselor 1 positions from temporary to permanent positions. This will assist in the Department's efforts to retain and train these councilors. The Commission recommends the Division of Vocational Rehabilitation continue its efforts to fill and maintain current staffing levels.

7. **Insurance**

A. The Commission is concerned that there are cases in Maine where the burden of paying for prosthetic devices, rehabilitation coaches, therapists and other charges is

being improperly shifted to the individual when it should be covered by the disability insurance plan. The Commission recommends sending a letter to the Bureau of Insurance requiring the Bureau to review whether the disability insurance regulations should be enhanced or changed to ensure that the burden of paying for these services and devices is not improperly shifted back onto the individual and to report its assessment back to the joint standing committee of the 127th Legislature having jurisdiction over insurance and financial services matters.

8. Telehealth/Assistive Technology

A. The Commission recognizes the significant advances that have been made to improve accessibility to health care providers and care through the use of telemedicine and telehealth inititiatives. The Commission supports these efforts and recognizes the important role that telehealth and telemedicine play in enhancing the independence of individuals with disabilities by removing barriers to health care and allowing for greater flexibility and self-determination in patient health. The Commission recommends amending the federally approved Medicaid State plan to include telemedicine and assistive technology. The Commission also recommends defining "telehealth" in order to support home-based care in Maine and to achieve significant cost savings. In addition, the Commission recommends that coverage be broadened for assistive technology without having the same restrictions required of telehealth. The Commission supports coverage of assistive technology services within all DHHS waivers and supports incorporation of coverage into the state Medicaid plan. [**See Appendix C, draft legislation, Recommendation #6**]

I. INTRODUCTION

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II. BACKGROUND

A. The Independent Living Philosophy

The Commission began its work with a discussion of the history of the independent living movement and the independent living philosophy which is "founded in the belief that people with disabilities, regardless of the type of disability, have a common history and a shared struggle." The independent living philosophy emphasizes the following principles: consumer control; the understanding that people with disabilities are the best experts on their own needs; and that the individual living with a disability has a valuable perspective in determining how they live, work and participate in their communities.

B. Demographic Information

According to the U.S. Census Bureau 2012 report, about 56.7 million people had a disability in 2010 and 41 percent of those age 21 to 64 with any disability were employed, compared with 79 percent of those with no disability who were employed.[5] Data from the U.S. Census Bureau shows that, in addition to lower employment levels, individuals with disabilities have a higher likelihood of experiencing persistent poverty (continuous poverty over a 24-month period).[6] In addition, the Census Bureau report also included the following demographic information:

- People in the oldest age group (80 and older) were about eight times more likely to have a disability as those in the youngest group;
- About 8.1 million people had difficulty seeing, including 2 million who were blind or unable to see;
- About 9 million people of all ages have disabilities so severe that they require personal assistance to carry out everyday activities;
- About 7.6 million people experienced difficulty hearing, including 1.1 million whose difficulty was severe. About 5.6 million used a hearing aid;
- Roughly 30.6 million had difficulty walking or climbing stairs, or used a wheelchair, cane, crutches or walker;
- About 19.9 million people had difficulty lifting and grasping;
- Difficulty with at least one activity of daily living such as bathing, dressing or eating was cited by 9.4 million non-institutionalized adults. Of these people, 5 million needed the assistance of others to perform such an activity;
- About 15.5 million adults had difficulties with one or more instrumental activities of daily living such as housework or meal prep. Of these, nearly 12 million required assistance;
- Approximately 2.4 million had Alzheimer's disease or dementia; and
- Adults age 21 to 64 with disabilities had median monthly earnings of $1,961 compared with $2,724 for those with no disability.

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[5] United State Census Bureau, *Americans With Disabilities: 2010, Current Population Reports, Household Economic Studies* (P70-131), Matthew W. Brault, July 2012.

[6] United State Census Bureau, *U.S. Census Bureau News, Profile America Facts for Features, Anniversary of Americans with Disabilities Act: July 26,* report number CB14-FF.15, May 28, 2014.

III. RELEVANT FEDERAL AND STATE LAWS

The following is a brief summary of the relevant federal and state civil rights laws that protect the rights of people with disabilities.[7]

A. Federal Laws

- **Americans with Disabilities Act:** The Americans with Disabilities Act (ADA), 42 U.S.C. §§12101 et seq., provides civil rights protections to individuals with disabilities to ensure equal access and opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications. The ADA protects three categories of individuals:

  - Individuals who have a physical or mental impairment that substantially limits one or more major life activity;
  - Individuals who have a record of a physical or mental impairment; and
  - Individuals who are regarded as having an impairment, whether they have an impairment or not.

  The ADA does not specifically name or list covered disabilities and instead requires individuals to determine if they have a physical or mental impairment that substantially limits one or more major life activity. To learn more about the ADA please go to: https://www.disability.gov/.

- **Fair Housing Act:** The Fair Housing Act, 42 U.S.C. §§3601 et seq., prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. The law protects individuals from discrimination in private housing, housing that receives Federal financial assistance, as well as State and local government housing. The law requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities and requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces. It requires that new multifamily housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver and other adaptable features within the units.

- **Individuals with Disabilities Education Act:** The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq., (formerly called the Education for all Handicapped Children Act of 1975) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs. The IDEA requires public school systems to develop appropriate Individualized Education Programs (IEP's) for each child. The specific special education and related services outlined in each IEP reflect the individualized needs of each student and must be developed by a team of knowledgeable persons to be reviewed

[7] Source: United States Department of Justice, Civil Rights Division, Disability Rights Section, *A Guide to Disability Rights Laws*, July 2009.

annually. If parents disagree with the proposed IEP, they can request a due process hearing and a review from the state educational agency if applicable in that state. They also can appeal the state agency's decision to state or federal court.

- **The Rehabilitation Act:** The Rehabilitation Act (29 U.S.C. §791 et seq.) prohibits discrimination on the basis of disability in programs conducted by Federal agencies, in programs receiving Federal financial assistance, in Federal employment and in the employment practices of Federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in Title I of the Americans with Disabilities Act, as described in sections of the ADA as follows:
  - *Section 501* requires affirmative action and nondiscrimination in employment by Federal agencies of the executive branch;
  - *Section 503* requires affirmative action and prohibits employment discrimination by Federal government contractors and subcontractors with contracts of more than $10,000;
  - *Section 504* states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service. Each Federal agency has its own set of section 504 regulations that apply to its own programs. Agencies that provide Federal financial assistance also have section 504 regulations covering entities that receive Federal aid. Requirements common to these regulations include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. Each agency is responsible for enforcing its own regulations. Section 504 may also be enforced through private lawsuits; and
  - *Section 508* establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal government. Section 508 requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.

- **Architectural Barriers Act:** The Architectural Barriers Act of 1968, 42 U.S.C. §§4151 et seq., requires that buildings and facilities designed, constructed, or altered with federal funds or leased by a federal agency must comply with federal standards for physical accessibility. These requirements are limited to architectural standards in new and altered buildings and in newly leased facilities.

- **National Voter Registration Act of 1993:** The National Voter Registration Act of 1993, 42 U.S.C. §§1973gg et seq., was enacted to remove barriers in the voting process so that it easier for all Americans to exercise their fundamental right to vote. The law requires all offices of state-funded programs that are primarily engaged in providing services to persons with disabilities to provide all program applicants with voter registration forms, to assist them in completing the forms and to transmit completed forms to the appropriate state official.

- **Voting Accessibility for the Elderly and Handicapped Act of 1984:** Voting Accessibility for the Elderly and Handicapped Act of 1984 (42 U.S.C. §§1973ee et seq.) requires polling places to be physically accessible to individuals with disabilities for federal elections. In the event that no accessible location is available, a political subdivision must provide an alternate means of casting a ballot on the day of the election. This law also requires states to provide registration and voting aids for disabled and elderly voters, such as TTYs (also known as TDDs).

B. State Laws

- The Maine Human Rights Act (MHRA) was enacted in 1971 to prohibit discrimination on the basis of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin in the areas of work, housing, public accommodation, money lending and education. Established in 1971, the Maine Human Rights Commission (Commission) is the State agency charged with the responsibility of enforcing Maine's anti-discrimination laws. Section 4566 of the MHRA explains the powers and duties of the Commission, which are as follows:

    - To investigate all conditions and practices within the State which allegedly detract from the enjoyment, by each inhabitant of the State, of full human rights and personal dignity;
    - To investigate all forms of invidious discrimination, whether carried out legally or illegally, and whether by public agencies or private persons; and
    - Based on its investigations, it has the duty to recommend measures calculated to promote the full enjoyment of human rights and personal dignity by all the inhabitants of this State.

- The Commission investigates complaints of unlawful discrimination in employment, housing, education, access to public accommodations, extension of credit and offensive names. The Commission attempts to resolve complaints of discrimination to the mutual satisfaction of those who are involved, however the MHRA authorizes the Commission to pursue remedies for unlawful discrimination in court when necessary to enforce the Act. The Commission enters into agreements with federal agencies when necessary to further the goals of the Commission. For more information on the Maine Human Rights Commission please go to: http://www.state.me.us/mhrc/.

IV. INDEPENDENT LIVING ORGANIZATIONS AND PROGRAMS IN MAINE

The following is a brief overview of the primary independent living organizations and state agencies in Maine that provide independent living support and program services to individuals with disabilities.

- **Independent living organizations that meet federal Rehabilitation Act standards**

    - **Maine Statewide Independent Living Council:** The Rehabilitation Act of 1973 mandates that each state have a statewide independent living council (SILC) to advance independent living efforts by supporting research, publication, employment, community

organizing, advocacy and systems reform. The federal law requires that the Statewide Independent Living Council be established within a State agency, and in Maine it is currently established within the Department of Labor's Division of Vocation Rehabilitation. The statute requires each council to work with the Director of the Division of Vocational Rehabilitation (as required in federal legislation), the Division for the Blind and Visually Impaired and other councils to develop and sign the State Plan for Independent Living for the delivery of independent living services to people with disabilities. It also requires the SILC to monitor, review and evaluate the implementation of the State Plan and communicate with the State Rehabilitation Council (SRC) about activities that address the common needs of specific disability populations and issues under federal law. For more information on the SILC, please see: http://mainesilc.org/.

- **Alpha One:** Established in 1978, Alpha One is a Maine Center for Independent Living with three statewide offices that work to assist individuals with disabilities to live more fully and more independently in all aspects of their lives. Alpha One provides the following services to help individuals with disabilities with independent living efforts: information and referral, outreach, advocacy, one-to-one and group peer support, consumer-directed personal assistance services, assistive technology financing, access design, recreation, demonstration programs and independent living skills instruction. Annually, Alpha One assists more than 6,000 people of all ages, with a broad array of disabilities including, but not limited to, the following: mobility impairments, traumatic brain injury, deafness, blindness, other vision and hearing impairments, developmental disabilities, mental illness and AIDS. For more information on Alpha One, please see their website: http://alphaonenow.com/.

- **State agencies, programs and coalitions:**

  - **Maine Department of Labor, Bureau of Rehabilitation Services:** Maine Department of Labor, Bureau of Rehabilitation Services has three divisions that are responsible for providing services to individuals with disabilities to help provide access to employment, as well as increase independence and community integration for all people with disabilities. These three divisions include: the Division of Vocational Rehabilitation (DVR) (Vocational Rehabilitation (VR) and the Independent Living Services Program); the Division for the Blind and Visually Impaired (DBVI) (Vocational Rehabilitation Program for people who are blind or have a visual impairment, Education Program for children who are blind or have a visual impairment, the Business Enterprise Program, and Independent Living Programs); and the Division for the Deaf, Hard of Hearing & Late Deafened.

  - **mPower Loan Program**: Located within the Finance Authority of Maine, the mPower Loan Program is funded through the Kim Wallace Adaptive Equipment Loan Program to provide assistance to individuals and businesses for the purchase, construction or installation of any product or equipment that allows an individual to become more independent within the community, to promote mobility or to improve independence and quality of life. The program also allows businesses to use loan funds to facilitate compliance with the Americans with Disabilities Act (ADA). Loans of up to $100,000 may be made to qualifying Maine residents or Maine-based businesses. The mPower

Loan Program also has a Vehicle Loan Program that works with assistance from Alpha One to process loan requests for vehicles adapted to meet the needs of individuals with disabilities. For more information, please see: www.mpowerloans.org.

- **Employment First Coalition**: The Employment First Coalition (Coalition) was enacted through legislation submitted during the First Regular Session of the 126th Legislature[8] in order to do the following:
  - Promote coordination and collaboration among state agencies;
  - Review state policies, plans, programs and activities in order to determine whether these policies, programs, plans and activities effectively meet the employment needs of persons with disabilities to acquire integrated, community based employment or customized employment;
  - Serve as a conduit for information and input to aid in the implementation of the Act for advocacy groups, commissions and councils that focus on issues facing persons with disabilities in Maine;
  - Make recommendations to the Governor, the Legislature and state agencies regarding ways to improve the administration of employment services and employment outcomes for persons with disabilities;
  - Review and comment on proposed legislation affecting the employment of persons with disabilities; and
  - Propose and promote rules and policies to state agencies that provide services and supports to persons with disabilities to improve integrated, community based employment and customized employment of persons with disabilities.

According to the Coalition, more than 40 states have some level of activity related to Employment First, and only Maine and Washington have legislation and policy directives, or executive orders. For more information on the Employment First Coalition, please see: http://www.employmentfirstmaine.org/.

- **Nonprofit organizations:**

  - **Disability Rights Center:** The Disability Rights Center (DRC) is the private, nonprofit organization that advocates for individuals with disabilities. The DRC is designated by the Governor, pursuant to Title 5 section 19502, to serve as Maine's independent advocacy agency for people with disabilities. The DRC assists individuals with disabilities who are experiencing issues such as: abuse, neglect and violations of basic rights; improper use of seclusion, restraint and forced medications; denial of rehabilitative, habilitative, medical or mental health treatment; financial exploitation; denial of integrated settings; discrimination in employment, housing, public accommodations or governmental services; denial of an inclusive education or transition services; access to assistive technology; voting rights; and return-to-work issues. For more information on the DRC see: http://www.drcme.org/home.php.

  - **Maine Center on Deafness**: The Maine Center on Deafness is a private nonprofit organization that provides advocacy, education, training and support for individuals who are

[8] LD 1352, Public Law 2013 chapter 335.

deaf, hard of hearing and late deafened across the State of Maine. For more information, please see: http://mcdmaine.net/programs-and-resources/.

V. RECOMMENDATIONS

During the course of the Commission's work, the following themes emerged which guide the Commission's recommendations.

1. According to the 2012 U.S. Census Bureau Report, about one in five Maine citizens has a disability.
2. People who live with disabilities are experts on what they need to lead full and meaningful independent lives.
3. Various systems that offer programs and services to individuals with disabilities are not structured to respond favorably to their ideas and their solutions.
4. A comprehensive review is needed to identify the independent living service needs for persons with disabilities.

The Commission's deliberations were guided by the principles that are embodied in the independent living philosophy, which advocates for consumer control and the recognition that individuals with disabilities are the best experts on identifying and finding quality of life solutions that fit their own needs. This philosophy embraces efforts at the federal, state and local level that promote systemic change to overcome barriers that prevent people with disabilities from living independently. The Commission discussed how the ability to access personal or public transportation is critical for people in order for them to connect with employment opportunities, health and medical services, educational services and their communities. The independent living philosophy supports efforts that provide individuals with disabilities with equal opportunities to decide how to live, work and participate in community life and efforts that enhance their independence by removing barriers that impede individual freedoms and choices in civic participation, transportation, recreation, communication, employment, education, health services, housing and public accommodations.

The following are the Commission's final recommendations.

1. Transportation

A. The Commission recommends the establishment of a new public transit advisory council as drafted in the Joint Standing Committee on Transportation's amendment to the LD 1365, *An Act To Promote New Models of Mobility and Access to Transportation* during the 126th Legislature. **[See Appendix C, draft legislation, Recommendation #1, Sections 1-10]**

B. The Commission recommends the establishment of a new working group to develop a multidisciplinary approach to transportation policy to help make transportation accessible to everyone by promoting access to transportation for individuals with disabilities. The Commission recommends that the Department of Health and Human Services, Department of Transportation, Department of Economic and Community Development, Department of Labor, and representatives of independent living programs be required to form a work group that will focus its efforts on advancing a rural transportation voucher

system in Maine that will help provide additional independence for customers by allowing them to choose transportation services that meet their needs, from the type of vehicle to the time and day of travel. The work group may consult with organizations with expertise in the field of increasing accessibility in public transportation, including, but not limited to, the University of Montana Research and Training Center on Disability in Rural Communities, for assistance in developing a proposal for a statewide program utilizing vouchers. The work group is charged with identifying any available federal funding programs that could be used to advance a project in Maine, draft any necessary legislation to implement the project, and report back to the joint standing committee of the Legislature having jurisdiction over health and human services matters during the 2nd Regular Session of the 127th Legislature. **[See Appendix C, draft legislation, Recommendation #1, Section 11]**

2. **Education Funding**

   A. The Commission supports the Maine Department of Education's ongoing efforts to meet its obligations under the federal law to provide a free and appropriate education for school children in Maine who are blind or visually impaired. The Commission supports the ongoing funding in the Department of Education's 2016 budget for three teachers for the visually impaired and recognizes that filling these vacant positions will likely require additional funding in order to have the salaries to attract and retain such professionals in Maine as neighboring states offer larger compensation packages for these professionals.

   B. The Commission recommends changes in statute to improve the transition to adult services for children with disabilities and recommends the following changes: that transition services should be amended to begin at age 14; that schools engage with community partners for students with Individualized Education Programs; that transition and Section 504 plans include community service providers and independent living assessments; that the Division of Vocational Rehabilitation work with schools that have students receiving services from the Office of Child and Family Services to help prepare students for post-secondary life; and that schools work closely with the Division of Vocational Rehabilitation and Employment First to develop transition plans with student and family. **[See Appendix C, draft legislation, Recommendation #2]**

3. **Annual Reports to the Legislature**

   A. The Commission recommends that the Department of Labor, Division of Vocational Rehabilitation provide an annual progress report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the State's efforts to improve vocational rehabilitation outcomes and reduce the length of time it takes for individuals to get into an individualized plan of employment (IPE), in accordance with the federal law. **[See Appendix C, draft legislation, Recommendation # 3]**

   B. The Commission recommends that the Statewide Independent Living Council (SILC) be required to provide an annual progress report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the State's strategic planning efforts in the area of independent living programs, the delivery of services for individuals with disabilities and any recommendations to address hurdles

or barriers in these efforts among state entities. **[See Appendix C, draft legislation, Recommendation #3]**

4. **Building Codes – Maine Human Rights Act & ADA Enforcement**

   A. The Commission recommends strengthening enforcement efforts to improve accessibility in public accommodations for individuals with disabilities in order to ensure that all Maine citizens have equal access to public accommodations. The Commission supports these efforts by providing the Maine Disability Rights Center with standing to enforce the Maine Human Rights Act and to receive attorney fees. **[See Appendix C, draft legislation, Recommendation #4, Section 1]**

   B. The Commission recommends clarification of the Office of the Maine State Fire Marshal's responsibility to inspect public accommodations to ensure compliance with federal and state accessibility requirements. The Commission recommends that the Office of the Maine State Fire Marshal's statutory responsibility be amended to ensure that this Office is the designated state entity responsible for performing an on-site inspection of final plans for compliance with the Americans with Disabilities Act (ADA) standards for new construction in public accommodations. In addition, the Commission recommends amending the laws governing the issuance of the certificate of occupancy by code enforcement officers or third party inspectors for new construction to require that building code standards incorporate ADA accessibility standards. **[See Appendix C, draft legislation, Recommendation #4, Sections 2 and 3]**

5. **Public Housing**

   A. The Commission recommends enhanced efforts to disseminate information regarding the availability of ADA accessible rental housing in Maine. The Commission recommends requiring public housing authorities and landlords who receive public money for housing units to post vacancies for ADA accessible apartments on MaineHousing's free on-line rental housing listing service website, MaineHousingSearch.org. **[See Appendix C, draft legislation, Recommendation #5]**

6. **Employment**

   A. The Commission requests that C.A.R.E.S., Inc. provide to the chairs of the joint standing committee having jurisdiction over health and human services matters a copy of the letter to be sent to the State Rehabilitation Council regarding the Maine Division of Vocational Rehabilitation's efforts to improve vocational rehabilitation outcomes and reduce the length of time it takes for individuals to get into an individualized plan of employment (IPE), in accordance with the federal law (34 Code of Federal Regulations, Part 361 State Vocational Rehabilitation Services Program: Final Rule 361.36: Ability of serve all eligible individuals; order of selection).

   B. The Commission recommends that the ability of the Maine Department of Labor, Division of Vocational Rehabilitation further their efforts under paragraph A to reduce the time for individuals to get into an IPE by transitioning several of their Rehabilitation Counselor 1 positions from temporary to permanent positions. This will assist in the Department's efforts to retain and train these councilors. The Commission recommends

the Division of Vocational Rehabilitation continue its efforts to fill and maintain current staffing levels.

7. **Insurance**

   A. The Commission is concerned that there are cases in Maine where the burden of paying for prosthetic devices, rehabilitation coaches, therapists and other charges is being improperly shifted to the individual when it should be covered by the disability insurance plan. The Commission recommends sending a letter to the Bureau of Insurance requiring the Bureau to review whether the disability insurance regulations should be enhanced or changed to ensure that the burden of paying for these services and devices is not improperly shifted back onto the individual and to report its assessment back to the joint standing committee of the 127th Legislature having jurisdiction over insurance and financial services matters.

8. **Telehealth/Assistive Technology**

   A. The Commission recognizes the significant advances that have been made to improve accessibility to health care providers and care through the use of telemedicine and telehealth inititiatives. The Commission supports these efforts and recognizes the important role that telehealth and telemedicine play in enhancing the independence of individuals with disabilities by removing barriers to health care and allowing for greater flexibility and self-determination in patient health. The Commission recommends amending the federally approved Medicaid State plan to include telemedicine and assistive technology. The Commission also recommends defining "telehealth" in order to support home-based care in Maine and to achieve significant cost savings. In addition, the Commission recommends that coverage be broadened for assistive technology without having the same restrictions required of telehealth. The Commission supports coverage of assistive technology services within all DHHS waivers and supports incorporation of coverage into the state Medicaid plan. **[See Appendix C, draft legislation, Recommendation #6]**

APPENDIX A

Authorizing Joint Order

STATE OF MAINE

In House_____

ORDERED, the Senate concurring, that, notwithstanding Joint Rule 353, the Commission on Independent Living and Disability, referred to in this order as "the commission," is established.

1. Membership. The commission consists of the following members, a majority of whom must be individuals with disabilities:

A. The President of the Senate shall appoint:

(1) Two members of the Senate;

(2) Two members of the public with experience or expertise in the challenges of independent living for individuals with disabilities in the State; and

(3) One representative of a program serving individuals with disabilities who are members of a federally recognized Indian tribe in the State;

B. The Speaker of the House of Representatives shall appoint:

(1) Two members of the House of Representatives;

(2) One member of the public with experience or expertise in the challenges of independent living for individuals with disabilities in the State;

(3) One representative of a business that is a model workplace for individuals with disabilities;

(4) One representative of a statewide association of providers of services for individuals with intellectual disabilities and autism; and

(5) One representative of a statewide association of adults with developmental disabilities and autism; and

C. The commission shall invite the participation of the Commissioner of Health and Human Services, or a designee; the executive director of the Disability Rights Center, or a designee; the executive director of Alpha One, or a designee; the chair of the Maine Statewide Independent Living Council, or a designee; and the Attorney General, or a designee.

2. Chairs. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission.

3. Appointments; convening of commission. All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

4. Duties. The commission shall evaluate the needs of Maine citizens with disabilities, review existing available resources and services and recommend priorities for cost-effective changes designed to promote independent living and community inclusion. Specifically, the commission shall examine the State's laws governing access to housing, transportation, public

accommodation, education and employment. In developing its recommendations on measures to improve the lives of, and increase overall community participation by, Maine citizens with disabilities, the commission shall consider the expansion of access to:

A. Assistive technology;

B. Appropriate and accessible housing and community-based living opportunities;

C. Appropriate education and training opportunities to promote employment of individuals with disabilities; and

D. Cost-effective transportation.

5. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

6. Report. No later than November 5, 2014, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

SPONSORED BY: _____

(Representative PETERSON)

TOWN: Rumford

APPENDIX B

Membership List, Commission on Independent Living and Disability

Commission on Independent Living and Disability
Joint Order, H.P. 1361

Appointment(s) by the President	
Sen. Margaret M. Craven - Chair	Senate Members
Sen. Rodney L. Whittemore	Senate Members
Peter Driscoll	Public members with independent living experience
Dennis Fitzgibbons	Public members with independent living experience
Appointment(s) by the Speaker	
Rep. Matthew J. Peterson - Chair	House Member
Rep. Carol A. McElwee	House Member
Mary Lou Dyer	Representing intellectual disabilities and autism service providers
Rachel Dyer	Representing an association of adults with developmental disabilities and autism
Peter Rice	Representing a model business workplace for disabled individuals
James Phipps	Public members with independent living experience
Attorney General	
Janet Mills	Attorney General
Commissioner, Department of Health & Human Services	
James Martin	Commissioner's designee
Other	
Rep. Michael D. McClellan	Maine Statewide Independent Living Council designee

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Staff:
Natalie Haynes
Alyson Mayo

APPENDIX C

Draft Legislation

COMMISSION ON INDEPENDENT LIVING AND DISABILITY

DRAFT LEGISLATION

Recommendation # 1:

An Act To Promote New Models of Mobility and Access to Transportation

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

Sec. 1. 5 MRSA §12004-I, sub-§82-A is enacted to read:

82-A.			
Transportation: Public Transit	Public Transit Advisory Council	Not Authorized	23 MRSA §4209-A

Sec. 2. 23 MRSA §4209, sub-§1, as amended by PL 2009, c. 130, §1ttg, is further amended to read:

1. Geographic regions. The ~~Department of Transportation~~department shall divide the State into a number of geographic regions for regional distribution of state-administered transportation funds. Upon designation of the geographic regions, a regional public transportation agency must be selected from each region to formulate a ~~biennial regional operations plan~~quinquennial locally coordinated plan for regional transit in accordance with federal requirements. ~~Selection of~~The department shall select regional public transportation agencies ~~must be by the Department of Transportation~~ in collaboration with ~~committee~~transit stakeholders including transportation providers, social service organizations, the Department of Health and Human Services, the Department of Labor, the United States Department of Transportation, Federal Transit Administration and the Public Transit Advisory Council established in ~~subsection 1-A~~section 4209-A. The ~~Department of Transportation~~department shall establish a schedule for submittal of the ~~biennial~~quinquennial locally coordinated plans for regional ~~operations plan and shall reference these plans in its biennial transportation improvement plan submitted to the Legislature~~transit to the department for review and approval in accordance with subsection 2.

Sec. 3. 23 MRSA §4209, sub-§1-A, as enacted by PL 2009, c. 130, §2, is repealed.

Sec. 4. 23 MRSA §4209, sub-§2, as amended by PL 2009, c. 130, §3, is further amended to read:

2. Quinquennial locally coordinated plan for regional transit. The ~~biennial~~quinquennial locally coordinated plan for regional ~~operations plan~~transit submitted by each regional public transportation agency must provide for the following:

A. Maximum feasible coordination of funds among all state agencies that sponsor transportation in the region;

B. Development and maintenance of a permanent and effective public transportation system, with particular regard to riders who are low-income or elderly or who have disabilities;

C. Participation of private transit operators in the service, to the greatest extent possible;

D. Conformity with general operations requirements as may be prescribed by the commissioner; and

E. Compliance with any appropriate federal regulations, including but not limited to the federally required locally coordinated plan.

In years in which no ~~biennial~~quinquennial plan is required, amendments to the effective operations may be submitted. Approval of each locally coordinated plan for regional ~~operations plan~~transit must be by the ~~Department of Transportation~~department in collaboration with transit stakeholders including transportation providers, social service organizations, the Department of Health and Human Services, the Department of Labor, the United States Department of Transportation, Federal Transit Administration and the ~~committee~~Public Transit Advisory Council established under section 4209-A. Upon approval, all agencies, groups or organizations named to participate in the provision of service in accordance with a locally coordinated plan for regional ~~operations plan~~transit are eligible to receive funds administered by the ~~Department of Transportation~~department and the Department of Health and Human Services.

Sec. 5. 23 MRSA §4209, sub-§3, ¶A, as amended by PL 1987, c. 428, §2, is further amended to read:

A. Planning and technical assistance, information transfer, capital and operations planning, performance monitoring and evaluation, quality assurance, accounting, assistance with management information systems and service reporting to a locally coordinated plan for regional ~~operations plan~~transit drafter or transportation provider and securing of provider compliance with the requirements of other state agencies in these areas;

Sec. 6. 23 MRSA §4209, sub-§3, ¶C, as amended by PL 1987, c. 428, §2, is further amended to read:

C. Operating assistance to transportation providers in an amount up to 1/2 of the operating deficit incurred in fulfillment of the ~~biennial~~quinquennial locally coordinated plan for regional ~~operations plan~~transit; and

Sec. 7. 23 MRSA §4209, sub-§4, as amended by PL 2009, c. 130, §4, is further amended to read:

4. Human services assistance; priorities. The ~~committee~~commissioner, the Commissioner of Health and Human Services and the Commissioner of Labor shall act to coordinate purchase of service contracts ~~and~~. The Public Transit Advisory Council established

under section 4209-A shall serve in an advisory capacity to the department, the Department of Health and Human Services and the Department of Labor in matters concerning public transportation. In the event that transportation funds for human services programs are insufficient for full implementation of the human services portion of an approved ~~biennial~~quinquennial locally coordinated plan for regional ~~operations plan~~transit, priorities established by the Department of Health and Human Services determine the priority clients that must be initially served by human services funds. ~~Members of the committee~~The department, the Department of Health and Human Services and the Department of Labor and their contractors shall actively engage local transportation providers in the planning of new services that are expected to have a transportation component.

The Department of Health and Human Services and the Department of Labor shall ensure that any new service to be provided is adequately funded to cover the costs of the transportation component of the program.

Sec. 8. 23 MRSA §4209, sub-§5, as enacted by PL 1979, c. 505, §4, is amended to read:

5. Intercity service. Intercity service ~~shall be~~is service designated as such in a public transportation plan developed by the department. Intercity service planning ~~shall~~must fulfill the requirements set forth in subsection 2 and ~~shall~~must address public transportation needs that cannot be met by locally coordinated regional ~~operations~~transit planning. The State may contribute to the nonfederal costs of intercity service.

Sec. 9. 23 MRSA §4209-A is enacted to read:

§ 4209-A. Public Transit Advisory Council

1. Council established. The Public Transit Advisory Council, referred to in this section as "the council," is established in accordance with Title 5, section 12004-I, subsection 82-A to advise the Legislature and the department regarding public transit services in the State. The council shall advise the department on the review and approval of locally coordinated plans for regional transit and shall advise on any statewide strategic transit planning undertaken by the department, including short-term and long-term fiscal, operating and capital investments, and the integration of transit planning with the Sensible Transportation Policy Act.

2. Membership. The council must include, but is not limited to, the following:

A. The commissioner or the commissioner's designee;

B. The Commissioner of Health and Human Services or the commissioner's designee;

C. The Commissioner of Labor or the commissioner's designee;

D. The Commissioner of Economic and Community Development or the commissioner's designee; and

E. The following individuals appointed by the commissioner:

(1) One representative each from the federally designated planning organizations for the Portland, Bangor and Lewiston regions;

(2) One representative of private bus operators;

(3) One representative of a statewide, nonprofit organization advocating on behalf of the elderly;

(4) One representative of a medical provider;

(5) One representative of a business relying on public transportation;

(6) One representative of a statewide association of planning and development agencies;

(7) One representative of an organization representing persons with disabilities;

(8) One representative of a nonprofit transit provider;

(9) One representative of an economic development organization; and

(10) One representative of an organization representing low-income persons.

In making appointments, the commissioner shall ensure that rural and urban areas and each transportation planning region of the State designated pursuant to section 4209, subsection 1 is represented.

3. Council invitees. In addition to the requirements in subsection 2, the commissioner shall invite at least 2 members of the joint standing committee of the Legislature having jurisdiction over transportation matters representing different political parties and at least one representative of a rail transit group to participate in council meetings.

4. Terms, vacancies and council chair. A member of the council appointed pursuant to subsection 2, paragraph E serves for a term of 3 years. If a member is unable to complete the term, the commissioner shall appoint a member from the same category of members listed in subsection 2, paragraph E as the member who vacated the council to serve out the unexpired portion of the term. The commissioner shall determine how the council is to choose a chair and for how long the chair is to serve.

5. Report. The council shall report on its deliberations and any recommendations by

March 1st of each odd-numbered year to the Governor and the joint standing committees of the Legislature having jurisdiction over transportation matters and health and human services matters.

Sec. 10. 30-A MRSA §3515, sub-§1, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. The directors of a district that participates in a locally coordinated plan for regional ~~operations plan~~transit that has been approved in accordance with Title 23, section 4209~~,~~ shall establish routes and fixed fares in accordance with the plan whenever the plan requires.'

Sec. 11. Department of Health and Human Services to convene a work group; develop state-wide transportation voucher program. The Department of Health and Human Services shall convene a work group to develop a statewide transportation voucher program for people with disabilities. Members of the work group shall include representatives from the following: the Department of Transportation, the Department of Labor, Alpha One and the Statewide Independent Living Council. The work group shall examine the flexibility of federal funding and matching fund sources, consult with the University of Montana Research and Training Center on Disability in Rural Communities for assistance developing a proposal, and submit its findings and recommendations to the joint standing committee having jurisdiction over transportation matters, the joint standing committee having jurisdiction over health and human services matters and the joint standing committee having jurisdiction over labor no later than December 15, 2015. The joint standing committee of the Legislature having jurisdiction over health and human services may report out a bill in this subject matter to the Second Regular Session of the 127th Legislature.

Recommendation #2:

Sec. 1. 20-A MRSA §7258, sub-§1 is amended to read:

1. ~~Attendance at pupil evaluation team meetings~~ Pupil evaluation team meetings; transition contact person; transition plan. Annually, representatives from appropriate state service agencies, as determined by the pupil evaluation team of the school administrative unit, and in accordance with special education rules, shall designate a transition contact person to participate in transition planning for students with disabilities and students qualified under Section 504 of the Rehabilitation Act of 1973. The transition contact person shall attend pupil evaluation team meetings or provide relevant information to the pupil evaluation team for transition planning purposes. This requirement applies to students with disabilities who have attained ~~16 years of age, or~~ 14 years of age ~~when determined by the pupil evaluation team to be appropriate~~.

The transition planning for a student with a disability or a student qualified under Section 504, the school administrative unit must include consultation with community partners, community service providers, the student and the student's family, the Department of Labor, Division of Vocational Rehabilitation and the coalition established within Maine Revised

Statutes, Title 5, section 19502 that is designated by the Governor to improve employment outcomes and customized employment of persons with disabilities. The transition planning must include an independent living assessment for the student. For students who receive services from the Department of Health and Human Services, Office of Child and Family Services, the school administrative unit shall work in consultation with the Department of Labor, Division of Vocational Rehabilitation to include post-secondary preparation strategies for the student during transition planning.

Recommendation # 3:

Sec. 1. 26 MRSA §1416-B, sub-§5 is enacted as follows:

3. Provide information. Provide and disseminate information and education to public and private clubs, organizations and civic groups and to individuals on making recreation accessible to persons with disabilities; ~~and~~

4. Conduct evaluations and provide technical assistance. In conjunction with the Bureau of Rehabilitation Services' staff, conduct accessibility evaluations upon request and provide technical assistance to recreation providers and users with regard to providing access for persons with disabilities~~.~~; and

5. Strategic planning report. Beginning January 15, 2016, provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the State's strategic planning efforts to increase opportunities for individuals with disabilities to live independently within the community, the effectiveness and coordination of programs and services designed to support independent living efforts, as well as any recommendations for improvement in the delivery of services to individuals with disabilities.

Sec. 2. 26 MRSA §1411-D, sub-§10 is enacted as follows:

8. Eligibility and priority. Shall determine the eligibility of individuals for rehabilitation services or evaluation and vocational services and the priority for those services in accordance with rules established by the department; ~~and~~

9. Transitional services coordination. Shall participate with school administrative units in transition planning for each student receiving special education services who is 16 years of age or older, or 14 years of age if determined appropriate by the student's individualized education program team, and shall assign appropriate staff as a transition contact person and as a member of the transition planning team for each student~~.~~; and

10. Progress report. Beginning January 15, 2016, provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services on the State's efforts to improve vocational rehabilitation outcomes as required under this subchapter and reduce the length of time it takes the department to enter into an individualized plan of employment with individuals eligible to receive services under this subchapter.

Recommendation #4:

Sec. 1. 5 MRSA §19505, sub-§3 is amended to read as follows:

3. Pursuit of remedies. The agency may pursue administrative, legal and other appropriate remedies on behalf of persons with disabilities. The agency has standing to file a civil action for alleged violations of chapter 337, subchapter 5, in Superior Court. Notwithstanding section 4622, sub-section 1, the agency may be awarded reasonable attorney's fees and costs as provided in section 4614.

Sec. 2. 5 MRSA §4594-G, sub-§7 is amended as follows:

7. Inspection. If officials of the municipality in which a restaurant, motel, hotel or inn; state, municipal or county building; or an elementary or secondary school covered by this subsection is constructed, renovated, remodeled or enlarged inspect buildings for compliance with construction standards, that inspection must include an inspection for compliance with plans certified by the Office of the State Fire Marshal or by a professional pursuant to subsection 4. The municipal officials shall require that a facility covered by this paragraph be inspected by an on-site visit by the Office of the State Fire Marshal for compliance with the standards of construction required by subsection 3 before the municipal officials permit a facility covered by this paragraph to be occupied.

Sec. 3. 10 MRSA §9722, sub-§6, ¶N is enacted as follows:

L. In the adoption and amendment of the Maine Uniform Building and Energy Code, adopt the standards for residential basement wall insulation under the 2006 edition of the International Energy Conservation Code published by the International Code Council; ~~and~~

M. Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code.~~and~~

N. In the adoption and amendment of the Maine Uniform Building and Energy Code, adopt the most recent Americans with Disabilities Act of 1990 accessibility guidelines as published by the International Code Council.

Recommendation #5:

Sec. 1. 30-A MRSA §4743, sub-§4 is enacted to read:

4. **Rental housing list service.** It shall post all rental housing vacancies that are readily accessible to and usable by persons with disabilities in accordance with applicable local, state and federal accessibility requirements, including, Title VIII of the Civil Rights Act of 1968 Federal Fair Housing Act, the federal Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, on the Maine State Housing Authority's publicly available rental housing listing service website.

Recommendation #6:

Sec. 1. 24-A MRSA §4316, sub-§1 is amended to read:

1. Definition. For the purposes of this section, "telemedicine," as it pertains to the delivery of health care services, means the use of interactive audio, video or other electronic media for the purpose of diagnosis, consultation or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile machine or e-mail. For the purposes of this section, "telehealth," as it pertains to the delivery of health care services, means the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health and health administration and includes videoconferencing, the internet, store-and-forward imagine, streaming media and terrestrial and wireless communications.

Sec. 2. Medicaid State Plan amendment; telehealth coverage. The Department of Health and Human Services shall pursue amendment to the federally approved Medicaid state plan to include the following changes: include and broaden coverage for assistive technology without the restrictions currently applied to telehealth; cover assistive technology within all Department of Health and Human Services waivers; include telemedicine; broaden telehealth use; and broaden telehealth home-based care.