

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
OF THE
STATE OF MAINE

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1977

Sec. 1. 30 MRSA § 1913, sub-§ 1, first ¶, as enacted by PL 1969, c. 563, is repealed and the following enacted in its place:

The charter commission shall consist of several voters in the community, elected as provided in this section, and 3 members appointed by the municipal officers.

Sec. 2. 30 MRSA § 1913, sub-§ 1, ¶ A, as amended by PL 1975, c. 329, § 2, is repealed and the following enacted in its place:

A. Voter members may be elected by one of the following methods:

(1) Six voter members shall be elected in the same manner as the municipal officers, except that they shall be elected at large and without party designations; or

(2) One voter shall be elected from each voting district or ward in the same manner as municipal officers, except that they shall be elected without party designation.

Election of voter members may be held at the same municipal election as the referendum for the charter commission, but shall be held within 60 days of such referendum election. The names of the candidates shall be arranged alphabetically by surname immediately below the question relating to the charter commission.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 14, 1977

CHAPTER 80

AN ACT to Require that Newly-constructed or Reconstructed Public Buildings be Made Accessible to the Physically Handicapped.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, since the enactment of chapter 367 of the public laws of 1967, passed by the 103rd Legislature, there has been ample evidence for the need to set forth in law more specific standards of construction necessary to assure that our public buildings are made accessible to all of the public; and

Whereas, this Act relates primarily to those new public buildings to be constructed with either state or federal funds; and

Whereas, it is recognized that most new construction of public buildings in this State begins during the first half of any calendar year; and

Whereas, it is essential that the following legislation be passed without delay; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA § 4593, as last amended by PL 1975, c. 355, § 14, is further amended to read:

§ 4593. Existing facilities

1. Public accommodations. Nothing in section 4591 or 4592 related to equal access to public accommodations or indirectly denying access to the physically handicapped shall apply to existing structures, structures under construction or proposed construction submitted for bid before September 1, 1974. For any building or facility constructed specifically as a place of public accommodation on or after September 1, 1974, or when the estimated total costs for remodeling or enlarging an existing building exceeds \$250,000 ~~there shall be the following standards of construction shall be met.~~

A. ~~A~~ There shall be at least one public walk not less than 40 inches wide with a slope not greater than one foot rise in 12 feet leading directly to a primary entrance. However, after April 1, 1977, the public walk shall be not less than 48 inches wide.

B. ~~A~~ There shall be a door at such primary entrance with a clear opening of no less than 32 inches and operable by a single effort. If doors at a primary entrance are in a series, they shall have a space between them of not less than 84 inches measured from their closed positions; and each shall open in the same direction so that swings do not conflict.

C. Rest room facilities should have at least one stall that is not less than ~~3~~ 4 feet wide, 5 feet in depth, a 32-inch wide door that swings out or slides, handrails on each side mounted 33 inches from the floor, and a water closet with a seat 20 inches high.

D. Doors that are not intended for normal use, and that are dangerous if a blind person were to enter or exit by them, shall be made identifiable to touch by knurling the handle or knob.

In any building designed and constructed specifically for public housing or public accommodations, the bathroom facilities and all accompanying fixtures shall be arranged to permit access and use by a person in a wheelchair in at least 1% of the living units. Such units shall be constructed on ground level and shall comply with paragraph C.

2. Places of employment. Existing places of employment of structures to be used for this purpose currently under construction or where proposed construction has been submitted for bid before September 1, 1974, are exempt from the requirements of this chapter as they relate to accessibility for the

physically handicapped. For any building or facility constructed specifically as a place of employment on or after September 1, 1974, or when the estimated total costs for remodeling or enlarging an existing building exceeds \$100,000, the public accommodation provisions relating to walks, entries, restroom facilities and doors shall apply.

Sec. 2. 25 MRSA §§ 2701 and 2702, as last amended by PL 1975, c. 93, §§ 1 and 2, are repealed and the following enacted in their place:

§ 2701. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Administrative authority. "Administrative authority" means the state, county or municipal official responsible for the administration and enforcement of this chapter.

2. Building. "Building" means:

A. A structure to which the public customarily has access and utilizes, and which is constructed, in whole or in part, with funds of the State or its political subdivisions; or

B. A structure or facility specifically intended:

(1) As a place where 5 persons or more will be employed; or

(2) As public housing, and which is constructed, in whole or in part, with either state or federal funds.

3. Physical handicap. "Physical handicap" means an impairment which confines an individual to a wheelchair; causes an individual to walk with difficulty; affects the sight or hearing to the extent that an individual functioning in public areas is insecure or exposed to danger; causes faulty coordination; or reduces mobility, flexibility, coordination and perceptiveness to the extent that special facilities are needed to provide for the safety of that individual.

4. Public housing. "Public housing" means a building included under subsection 2 which includes a minimum of 10 family units.

5. Standards of construction. "Standards of construction" means the standards set forth by the American National Standards Institute in the publication "Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped," [ANSI A 117-1961 (R 1971)], as amended, except as otherwise exempted or provided by the National Fire Protection Association's Life Safety Code 101.

§ 2702. Standards of construction

All buildings affected by this chapter shall be in substantial compliance with standards of construction, including the following.

1. Grading. There shall be grading so that the ground shall attain a level with at least one primary entrance.

2. Public walk. There shall be at least one public walk to a primary entrance, which shall:

A. Be at least 48 inches wide;

B. Have a gradient not greater than 5%; and

C. Be of continuing common surface, not interrupted by steps or abrupt changes in level.

3. Ramp. Where a ramp with gradient greater than 5% is necessary or desired, it shall:

A. Not have a slope greater than one foot rise in 12 feet, or 8.33% or 4° 40'; and

B. Have handrails on at least one side and preferably on 2 sides that are 32 inches in height from the surface of the ramp.

4. Doors. Doors at the primary entrance or entrances at grade levels shall have a clear opening of no less than 32 inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall extend at least one foot beyond each side of the door and be level for a distance of at least 5 feet from the closed portion of the door in the direction the door swings. If doors at a primary entrance are in a series, they shall have a space between them of not less than 84 inches measured from their closed positions and each shall open so that swings do not conflict. Thresholds shall have beveled edges.

Doors that are not intended for normal use, and that are dangerous if a blind person were to enter or exit by them, shall be made identifiable to touch by knurling the handle or knob.

5. Floors. Floors shall be maintained to assure nonslip surfaces, and on any given story shall be of a common level throughout or be connected by a ramp in accordance with subsection 3.

6. Elevators. Elevators, when provided in planning, shall be accessible to and usable by physically handicapped individuals at all levels used by the general public. They shall allow for wheelchair traffic and shall have control buttons with identifying features for the blind.

Any building on 2 or more levels, constructed after April 1, 1977, having regular occupancy of 100 or more persons, and to which the public-at-large or a substantial group normally has access, shall have at least one elevator usable by physically handicapped individuals which shall meet the following requirements.

A. The elevator cab shall have a clear area of not less than 25 square feet with a minimum of 56 inches clear in any one direction.

- B. The door shall have a clear opening of not less than 32 inches.
- C. No floor or control button shall be located higher than 48 inches above the elevator floor and shall have tactile identification braille beside the buttons for the blind.
- D. The elevator shall be adjusted or controlled so that the floor of the elevator, when stopped, conforms to building floor levels with a $\frac{1}{2}$ inch tolerance.
- E. The period of time between the opening and closing of the elevator door shall not be less than 8 seconds.

Any building on 2 levels and with less than 2 stories, constructed after April 1, 1977, having regular occupancy of 100 or more persons and to which the public-at-large or a substantial group normally has access, shall have either an elevator which shall meet the requirements included in this subsection, or a ramp which shall meet the requirements included in subsection 3.

7. Stairs. Stairs that might require use by physically handicapped persons shall have handrails 32 inches high as measured from the tread at the face of the riser. At least one handrail shall extend at least 18 inches beyond the top step and the bottom step, and such extension shall be on the side of a continuing wall. Steps of stairs shall not have abrupt, square nosing, and should, wherever possible, have risers not to exceed 7 inches.

8. Restrooms and bathrooms. In accordance with the nature of a building, an appropriate number of restroom facilities shall be accessible and usable by physically handicapped individuals. Furthermore, in any building designed and constructed specifically for public housing, the bathroom facilities and all accompanying fixtures shall be arranged to permit access and use by a person in a wheelchair in the following manner:

- A. In public housing of 10 to 20 units, at least one unit shall have such bathroom facilities and accompanying fixtures; and
- B. Notwithstanding the provisions in paragraph A, for every increment of 20 living units in public housing, at least one unit shall have such bathroom facilities and accompanying fixtures.

Such units shall be constructed on a single level and entrance to the bathroom shall be no less than 32 inches in width. In any municipal, county or state building constructed after April 1, 1977, normally used by the general public, restrooms shall be subject to the following provisions.

A. There shall be at least one toilet stall that meets the following specifications:

- (1) It shall have a door which has a clear opening of at least 32 inches and swings out or slides;
- (2) It shall have a minimum width of 4 feet and a minimum depth of 5 feet;

(3) It shall have a water closet with a seat 20 inches from the floor;

(4) It shall have handrails installed on both sides of the stall not less than 42 inches long and 33 inches above and parallel to the floor. At least 24 inches of the handrail shall be located in front of the water closet. Each handrail shall be 1½ inches in outside diameter, have a 1½-inch clearance between rail and wall, and be securely fastened to support 250 pounds.

B. There shall be at least one washbowl with a narrow apron and with 29 inches clearance to the bottom of the apron when mounted.

C. When mirrors and shelves are provided, at least one mirror and one shelf shall be located above the washbowl at a height not to exceed 40 inches above the floor, measured from the top of shelf and bottom of mirror.

D. There shall be at least one wall-mounted urinal in the men's toilet room, the basin opening of which shall be 19 inches from the floor.

E. When towel and other dispensers are provided, at least one of each shall not exceed a height of 48 inches.

9. Drinking fountains. In accordance with the nature and use of a building, an appropriate number of drinking fountains shall be accessible to and usable by the physically handicapped. The drinking fountains or coolers shall be:

A. Wall-mounted and hand-operated to serve both able-bodied and physically handicapped persons; and

B. Mounted with spouts and controls at the front with the edge of the water basin not more than 36 inches from the floor.

10. Telephone. Wherever public telephones are installed, at least one shall be accessible to persons confined to wheelchairs. It shall be so placed that the height of the dial, handset and coin slot do not exceed 56 inches from the floor.

11. Warning signals. Warning signals for emergencies should provide audible and visual signals simultaneously for the benefit of those persons with either hearing or sight disabilities.

Sec. 3. 25 MRSA § 2703, sub-§ 5, as enacted by PL 1975, c. 93, § 4, is repealed and the following enacted in its place:

5. Enforcement; inspection. The state, county or municipal authority who reviews plans for any building intended to provide a public program or service shall:

A. Not approve the construction or the opening of such a building if plans or the construction are not in compliance with this chapter; and

B. Require on-site inspections which are deemed necessary to assure compliance with the specific standards of construction set forth in this chapter.

Sec. 4. 25 MRSA § 2704 is enacted to read:

§ 2704. Penalty

Any violation of this chapter by any person, firm or organization responsible for the design or construction of any public building or facility shall be a civil violation punishable by a fine of not more than \$500, or subject to other appropriate equitable relief designed to secure substantial compliance with this chapter.

All civil violations under this chapter are enforceable by the Attorney General, his representative or any other appropriate public official in a civil action to recover what may be designated a fine or other sanction.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 14, 1977

CHAPTER 81

AN ACT to Revise the Method of Funding Water Pollution Abatement Planning.

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

38 MRSA § 412, as repealed and replaced by PL 1973, c. 694, § 2, is repealed and the following enacted in its place:

§ 412. Grants by State for planning

1. Grants by State for planning. The Department of Environmental Protection is authorized to pay an amount at least 15%, but not to exceed 25%, of the expense incurred by a municipality or quasi-municipal corporation in preliminary or final planning of a pollution abatement program in the form of a grant. Such amount may not be paid until the governing body of the municipality or the quasi-municipal corporation duly votes to proceed with preliminary or final planning of a pollution abatement program, as appropriate.

A. Preliminary planning. For the purposes of this section, "preliminary planning" means engineering studies which include analysis of existing pollution problems; estimates of the cost of alternative methods of waste treatment, studies of areas to be served by the proposed facilities and estimates of the cost of serving such areas; preliminary sketches of existing and proposed sewer and treatment plant layouts; and estimates of alternative methods of financing, including user charges, and other studies and estimates designed to aid the municipality or quasi-municipal corporation in deciding whether and how best to proceed with a pollution abatement program.