

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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29 MRSA § 246, 3rd ¶, as amended by PL 1977, c. 481, § 8-A, is further amended by adding at the end the following:

From 50,001 pounds gross weight to 54,000 pounds gross weight\$300.

Effective September 14, 1979

CHAPTER 248

H. P. 707 — L. D. 891

AN ACT Concerning Access by Physically Disabled Persons to Certain Public Facilities.

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

Sec. 1. 23 MRSA § 954, as amended by PL 1971, c. 593, § 22, is further amended by inserting at the end the following new sentences:

In any roadside area along any state or state aid highway where modern flush toilet facilities are provided for public use, there shall be provided toilet rooms which are accessible to and usable by the physically disabled, as defined in Title 25, sections 2701 and 2702 respectively. The department shall erect and maintain signs along the approach to any roadside area where toilet facilities accessible to the disabled are available which are designed to inform disabled persons that the facilities are available.

Sec. 2. 25 MRSA c. 331, first 2 lines are repealed and the following enacted in their place:

CONSTRUCTION FOR PHYSICALLY

DISABLED

Sec. 3. 25 MRSA § 2701, sub-§ 3, as repealed and replaced by PL 1977, c. 80, § 2, is amended to read:

3. **Physical disability.** "Physical handicap disability" 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; cause 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.

Sec. 4. 25 MRSA § 2702, sub-§ 6, first sentence, as repealed and replaced by

PL 1977, c. 80, § 2, is amended to read:

Elevators, when provided in planning, shall be accessible to and usable by physically ~~handicapped~~ **disabled** individuals at all levels used by the general public.

Sec. 5. 25 MRSA § 2702, sub-§ 6, 2nd ¶. as repealed and replaced by PL 1977, c. 80, § 2, is amended to read:

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~~ **disabled** individuals which shall meet the following requirements.

Sec. 6. 25 MRSA § 2702, sub-§ 7, first sentence, as repealed and replaced by PL 1977, c. 80, § 2, is amended to read:

Stairs that might require use by physically ~~handicapped~~ **disabled** persons shall have handrails 32 inches high as measured from the tread at the face of the riser.

Sec. 7. 25 MRSA § 2702, sub-§ 8, first sentence, as repealed and replaced by PL 1977, c. 80, § 2, is amended to read:

In accordance with the nature of a building, an appropriate number of restroom facilities shall be accessible and usable by physically ~~handicapped~~ **disabled** individuals.

Sec. 8. 25 MRSA § 2702, sub-§ 9, first sentence, as repealed and replaced by PL 1977, c. 80, § 2, is amended to read:

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~~ **disabled**.

Sec. 9. 25 MRSA § 2702, sub-§ 9, ¶ A, as repealed and replaced by PL 1977, c. 80, § 2, is amended to read:

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

Sec. 10. 25 MRSA § 2703, sub-§ 4, last sentence, as enacted by PL 1969, c. 98, is amended to read:

Only one entrance for ~~handicapped~~ **disabled** persons is required and that may be the one that can be constructed most economically.

Sec. 11. 35 MRSA c. 183-A is enacted to read:

ACCESS TO PUBLIC TELEPHONES BY PHYSICALLY DISABLED PERSONS**§ 2601. Public telephones to be placed for use by disabled persons**

All coin telephones placed after the effective date of this chapter in any public place, or any area to which the public is invited, which are intended for use by the public, shall be placed at a height and in a position which permits their use by physically disabled persons, as defined in Title 25, sections 2701 and 2702 respectively.

Any person violating this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged for each telephone which is not placed in accordance with this section.

Effective September 14, 1979

CHAPTER 249

H. P. 755 — L. D. 937

AN ACT to Permit Depuration Facilities to Operate during Red Tide.

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

Whereas, the depuration of shellfish is a significant activity in various parts of the coast; and

Whereas, the present statutes are unclear on the authority to allow depuration of shellfish that are not contaminated with paralytic shellfish poisoning; and

Whereas, the dinoflagellate blooms that cause this poisoning commonly occur in the spring and early summer; and

Whereas, failure to correct the statutes could cause serious economic hardships to depuration operations; 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:

12 MRSA § 6856, sub-§ 3, as enacted by PL 1977, c. 661, § 5, is amended by adding at the end the following new sentence: