

MAINE STATE LEGISLATURE

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February 11, 1975

Terry Ann Lunt-Aucoin, Executive
Secretary
Robert J. Stolt, Assistant

Human Rights Commission
Attorney General

5 M.R.S.A. §§ 4593.1(c) and 4593.2 - Right of Water Closets in
Places of Public Accommodation.

This replies to your memo of January 30, 1975, concerning
this subject.

I understand your question to be whether in the absence of
a standard manufactured water closet with a seat 20" high, a per-
son constructing or altering a place of public accommodation or a
place of employment would be in violation of 5 M.R.S.A. § 4593.1(c)
or 5 M.R.S.A. § 4593.2 by installing the highest available water
closet of standard manufacture having a seat height of 19½"?

RE: Request for an Opinion of the Attorney General

The last sentence of the first paragraph of 5 M.R.S.A.
§ 4593.1 provides that "[f]or any building or facility constructed
specifically as a place of public accommodation on or after
September 1, 1974 there shall be:

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

Subsection 2 of section 4593 extends the above restroom
specification requirements to "buildings or facilities 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."

There is no indication from the language of Section 4593
or the record of the deliberation of the Legislature in its enact-
ment that the specifications are to serve as guidelines or are to be
taken as approximations. The specifications enacted by the
Legislature in section 4593.1(c) are specific. They are the
minimum specifications permissible. The minimum acceptable
height for a section 4593.1(c) water closet with seat is 20 inches.

Any person constructing or altering a place of public
accommodation or employment will violate 5 M.R.S.A. § 4593.1(c)
or section 4593(2) by failing to install a water closet which
has a seat height of 20 inches.

ROBERT J. STOLT
Assistant Attorney General

RJS/ec