

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 86

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S. P. 43

In Senate, January 13, 1977

Referred to Committee on Human Resources. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Cummings of Penobscot.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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

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

Sec. 1. 25 MRSA § 2701, sub-§ 2, last sentence, as enacted by PL 1975, c. 93, § 1, is amended to read:

Public housing for the purposes of this chapter shall include a minimum of ~~20~~ 10 family units.

Sec. 2. 25 MRSA § 2702, first ¶, as enacted by PL 1967, c. 367, is repealed and the following enacted in its place:

The minimum standards of construction as described in this chapter shall be in substantial compliance with those 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 117.1-1961 (R 1971)], as amended, except as otherwise exempted or provided by the National Fire Protection Association's Life Safety Code 101.

Standards of construction shall include the following:

Sec. 3. 25 MRSA § 2702, sub-§ 6, as enacted by PL 1967, c. 367, is repealed and the following enacted in its place:

6. Elevators. Any building constructed on 2 or more levels, 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 the handicapped and it 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 ½-inch tolerance; and**
- E. The time frame between the opening and closing of the elevator door shall not be less than 8 seconds.**

**Sec. 4. 25 MRSA § 2702, sub-§ 8, as repealed and replaced by PL 1975, c. 93, § 3, is amended by adding at the end the following new paragraph:**

**In any newly-constructed municipal, county or state building normally used by the general public, restrooms shall have:**

- A. At least one toilet stall that meets the following specifications:**
  - (1) Has a door which has a clear opening of at least 32 inches and swings out or slides;**
  - (2) Has a minimum width of 4 feet and a minimum depth of 5 feet;**
  - (3) Has a water closet with a seat 20 inches from the floor; and**
  - (4) Has 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 and shall have a 1½ inch clearance between rail and wall, and be securely fastened to support 250 pounds;**
- B. At least one lavatory with 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 lavatory at a height not to exceed 40 inches above the floor, measured from the top of shelf and bottom of mirror;**
- D. One wall-mounted urinal in the men's toilet room with basin opening 19 inches from the floor; and**
- E. When towel and other dispensers are provided, at least one of each shall not exceed a height of 48 inches.**

**Sec. 5. 25 MRSA § 2702, sub-§ 9, as enacted by PL 1967, c. 367, is amended by adding the following paragraphs at the end:**

- A. The drinking fountains or coolers shall be wall-mounted and hand-operated to serve both able-bodied and physically handicapped persons; and**

**B. The drinking fountains or coolers shall be mounted with spouts and controls at the front with the edge of the water basin not more than 36 inches from the floor;**

**Sec. 6. 25 MRSA § 2702, sub-§ 10, as enacted by PL 1967, c. 367, is repealed and the following enacted in its place:**

**10. Telephones. 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.**

**Sec. 7. 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. 8. 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 by 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.**

### STATEMENT OF FACT

This bill is intended to provide additional and more specific language for the standards of construction necessary to make public buildings and facilities more accessible to and usable by individuals with permanent physical handicaps and elderly persons.

It identifies specifications set forth by the American National Standards Institute, and in the absence of a compliance board, the bill also repeals the subsection on conformity and replaces it with a subsection on enforcement. It also adds a penalty section for noncompliance.