

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 891

H. P. 707

House of Representatives, March 1, 1979

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. M. Nelson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**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 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, section 2701. 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Sec. 2. 25 MRSA c. 331, first 2 lines are repealed and the following enacted in their place: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Sec. 3. 25 MRSA § 2701, sub-§3, as repealed and replaced by PL 1977, c. 80, § 2, is amended to read: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Sec. 4. 25 MRSA § 2702, sub-§ 6, first sentence, as repealed and replaced by PL 1977, c. 80, § 2, is amended to read: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Sec. 5. 25 MRSA § 2702, sub-§ 6, 2nd ¶, as repealed and replaced by PL 1977, c. 80, § 2, is amended to read: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:

CHAPTER 183-A

ACCESS TO PUBLIC TELEPHONES BY PHYSICALLY DISABLED PERSONS

§ 2601. Public telephones to be placed for use by disabled persons

Prior to January 1, 1981, all telephones 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, section 2701.

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.

STATEMENT OF FACT

The purposes of this bill are:

1. To provide that public rest areas along state or state aid highways have toilet facilities for disabled persons; and
2. To provide that public telephones be accessible to disabled persons.