

# MAINE STATE LEGISLATURE

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(Governor's Bill)  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1395**

S. P. 495

In Senate, March 19, 1981

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator L. Brown of Washington.

Cosponsors: Senator Hichens of York, Representative Lisnik of Presque Isle and Representative Ketover of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Adopt Revised Standards for Access by the Handicapped to Certain Buildings.**

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

**Sec. 1. 5 MRSA § 4593, sub-§ 1, first ¶, 2nd sentence**, as amended by PL 1977, c. 80, § 1, is further amended to read:

For any building or facility constructed specifically as a place of public accommodation on or after September 1, 1974, **but before January 1, 1982**, or when the estimated total costs for remodeling or enlarging an existing building exceeds \$250,000 **and the remodeling or enlarging is begun before January 1, 1982**, the following standards of construction shall be met.

**Sec. 2. 5 MRSA § 4593, sub-§ 2**, as amended by PL 1975, c. 355, § 14, is further amended to read:

**2. Places of employment.** Existing places of employment ~~of~~ or 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, **but before January 1, 1982**, or when the estimated total costs for remodeling or enlarging an existing building exceeds \$100,000, **and the remodeling or enlarging is begun before January 1, 1982**, the public accommodation provisions relating to walks, entries, restroom facilities and doors shall apply.

Sec. 3. 5 MRSA § 4594 is enacted to read:

§ 4594. **Public accommodations and places of employment constructed, remodeled or enlarged after January 1, 1982**

1. **Facilities attested. This section applies for the following facilities:**

A. Any building or facility constructed specifically as a place of public accommodation on or after January 1, 1982, or when the estimated total costs for remodeling or enlarging an existing building exceeds \$250,000 and the remodeling or enlarging is begun after January 1, 1982; and

B. Any building or facility constructed specifically as a place of employment on or after January 1, 1982, or when the estimated total costs for remodeling or enlarging an existing building exceeds \$100,000, and the remodeling or enlarging is begun after January 1, 1982.

2. **Application. Facilities subject to this section shall meet the requirements of the 1981 standards of construction adopted pursuant to Title 25, chapter 331, to implement the following 4 parts of the American National Standards Institute's "Specification for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People," (ANSI A 117.1-1980):**

A. 4.3 Accessible Route;

B. 4.13 Doors;

C. 4.17 Toilet Stalls; and

D. 4.29.3 Tactile Warnings on doors to Hazardous Areas.

Sec. 4. 25 MRSA § 2701, sub-§ 6 is enacted to read:

6. **1981 standards of construction. "1981 standards of construction" means the standards adopted by rule by the Director of Public Improvements.**

Sec. 5. 25 MRSA § 2702, first ¶, as repealed and replaced by PL 1977, c. 80, § 2, is repealed and the following enacted in its place:

All buildings affected by this chapter which are constructed, remodeled or enlarged before January 1, 1982, shall be in substantial compliance with standards of construction, including the following.

Sec. 6. 25 MRSA § 2702-A is enacted to read:

§ 2702-A. **1981 standards of construction**

1. **Standards. The Director of Public Improvements shall adopt by rule 1981**

standards of construction. The standards shall be adopted in order to fully implement the specifications in the American National Standards Institute publication "Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People," (ANSI A 116.1-1980), except as otherwise exempted or provided by the National Fire Protection Association's Life Safety Code 101.

Prior and subsequent to adopting the standards, the director shall consult with physically handicapped people and their representatives and with persons regulated by this law and their representatives, to obtain their advice on the advisability, form and effect of the standards.

2. **Application.** All construction, remodelling and enlarging begun after January 1, 1982, of buildings subject to this chapter shall comply with the 1981 standards of construction.

Sec. 7. 25 MRSA § 2703, sub-§ 1, as amended by 1973, c. 571, § 58, is repealed and the following enacted in its place:

1. **State.** Where state funds are used, including for space in buildings rented or leased by the State pursuant to agreements concluded with effective dates of January 1, 1982, or later, the Director of Public Improvements; except in respect to elementary and secondary school buildings; it shall be the Commissioner of Educational and Cultural Services;

Sec. 8. 25 MRSA § 2703, sub-§ 5, first ¶, as repealed and replaced by PL 1977, c. 80, § 3, is repealed and the following enacted in its place:

The state, county or municipal authority who reviews plans for any building covered under this chapter shall:

#### STATEMENT OF FACT

The public safety law, Title 25, chapter 331, and the Maine Human Rights Act, Title 5, chapter 337, require that certain public and private buildings have structural features that will make the buildings safe for and permit access by handicapped persons. The present law requires compliance with the accessibility standards adopted in 1971 by the American National Standards Institute, ANSI.

This bill proposes to amend both laws to:

1. Authorize the Bureau of Public Improvements to adopt by rule the more recently revised, 1980, ANSI standards. They will apply to new construction and remodeling of only those classes of buildings now subject to the law. It does not change the standard required for any building constructed before or being remodeled on the effective date of the bill; and

2. Apply the revised ANSI standards to buildings rented or leased by the State after January, 1982.