

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION  
2

---

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

---

5 Legislative Document

No. 1287

7 S.P. 425

In Senate, March 23, 1983

8 Referred to the Committee on Legal Affairs. Sent down for concurrence  
9 and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Wood of York.

11  
12 STATE OF MAINE  
13

---

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

---

17 AN ACT to Require Swimming Pools to be  
18 Enclosed.  
19

---

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

22 22 MRSA c. 266 is enacted to read:

23 CHAPTER 266

24 SWIMMING POOLS

25 §1631. Definitions

26 As used in this chapter, unless the context  
27 otherwise indicates, the following terms have the  
28 following meanings.

29 1. Fence. "Fence" means a close type vertical  
30 barrier not less than 4 feet in height above ground

1 surface. A woven steel wire, chain link, picket or  
2 solid board type fence or a fence of similar con-  
3 struction which will prevent the smallest of children  
4 from getting through shall be considered a fence  
5 within this definition.

6 2. Swimming pool. "Swimming pool" includes any  
7 man-made structure constructed from material other  
8 than natural soil or earth, designed or used to hold  
9 water for the purpose of providing a swimming or  
10 bathing place for any person or any such structure  
11 for the purpose of impounding water in the structure  
12 to a depth of more than 2 feet.

13 §1632. Fence required

14 It is unlawful for any person to construct, main-  
15 tain, use, possess or control any swimming pool on  
16 any property within the State, without having a fence  
17 completely around that swimming pool. Every gate in  
18 the fence shall be capable of being securely fastened  
19 at a height of not less than 4 feet above ground  
20 level. It is unlawful for any such gate to be allowed  
21 to remain unfastened while the pool is not in use.  
22 The fence shall be constructed so as to come within 2  
23 inches of the ground at the bottom and shall be at  
24 least 5 feet from the edge of the pool at any point.

25 §1633. Penalty

26 Any person who violates this chapter commits a  
27 civil violation for which a forfeiture of not more  
28 than \$500 may be adjudged. Each day a violation con-  
29 tinues shall be a separate violation.

30 STATEMENT OF FACT

31 The purpose of this bill is to require that per-  
32 sons who have swimming pools provide fences around  
33 the pools. This provision is for the safety of chil-  
34 dren who might wander near the pool while it is not  
35 in use.

36 1497031583