

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1474
6

7 H.P. 1116

House of Representatives, April 14, 1983

8 Referred to the Committee on Judiciary. Sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Andrews of Portland.

Cosponsors: Representative LaPlante of Sabattus and Senator Violette of
Androscoggin.
11

12 STATE OF MAINE
13

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

17 AN ACT to Clarify what Constitutes
18 Discrimination Against Handicapped
19 Persons.
20

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

23 Sec. 1. 5 MRSA §784, sub-§2, ¶A, as enacted by
24 PL 1975, c. 153, §1, is amended to read:

25 A. The contractor will not discriminate against
26 any employee or applicant for employment because
27 of race, color, religious creed, sex, physical or
28 mental handicap, national origin, ancestry or
29 age, unless based on a bona fide occupational
30 qualification. ~~Such~~ This action shall include,
31 but not be limited to, the following: Employment,
32 upgrading, demotions, transfers, recruitment or
33 recruitment advertising; layoffs or terminations;
34 rates of pay or other forms of compensation; and

1 selection for training, including apprenticeship.

2 Sec. 2. 5 MRSA §784-A is enacted to read:

3 §784-A. Employment of handicapped persons under
4 municipal contracts

5 1. Municipal contracts. Any contract in excess
6 of \$2,500 entered into by any municipality or agency
7 thereof for the procurement of personal property and
8 nonpersonal services, including construction, for
9 that municipality shall contain a provision requiring
10 that, in employing persons to carry out the contract,
11 the contractor shall take affirmative action to
12 employ and advance in employment qualified handi-
13 capped individuals. The provisions of this section
14 shall apply to any subcontract in excess of \$2,500
15 entered into by a prime contractor in carrying out
16 any contract for the procurement of personal property
17 and nonpersonal services, including construction, for
18 that municipality.

19 2. Remedies for alleged violations. If any
20 handicapped individual believes any contractor has
21 failed or refuses to comply with the provisions of
22 his contract with the municipality, relating to
23 employment of handicapped individuals, that indi-
24 vidual may file a complaint with the Maine Human
25 Rights Commission or may initiate proceedings to
26 utilize other remedies under the Maine Human Rights
27 Act.

28 Sec. 3. 5 MRSA §4553, sub-§8, as enacted by PL
29 1971, c. 501, §1, is amended to read:

30 8. Place of public accommodation. "Place of
31 public accommodation" means any establishment which
32 in fact caters to, or offers its goods, facilities or
33 services to, or solicits or accepts patronage from,
34 the general public; and it includes, but is not
35 limited to: Inns, taverns, roadhouses, hotels,
36 whether conducted for the entertainment or accommoda-
37 tion of transient guests or of those seeking health,
38 recreation or rest, restaurant, eating houses or any
39 place where food is sold for consumption on the prem-
40 ises; buffets, saloons, ~~bar rooms~~ barrooms or any
41 store, park or enclosure where spirituous or malt

1 liquors are sold; ice cream parlors, confectioneries,
2 soda fountains and all stores where beverages of any
3 kind are retailed for consumption on the premises;
4 retail stores and establishments; dispensaries, clinics,
5 hospitals, rest rooms, ~~bath houses~~ bathhouses,
6 barber shops, beauty parlors, theatres, motion picture
7 houses, music halls, airdromes, roof gardens,
8 race courses, skating rinks, amusement and recreation
9 parks, fairs, bowling alleys, golf courses, gymnasiums,
10 shooting galleries, billiard and pool parlors,
11 swimming pools, seashore accommodations and
12 boardwalks, public libraries, garages and gasoline
13 stations; all public conveyances operated on land,
14 water or in the air as well as the stations and terminals
15 thereof; and public halls and public elevators
16 of buildings occupied by 2 or more tenants or by the
17 owner and one or more tenants; and ~~public housing~~
18 projects.

19 Sec. 4. 5 MRSA §4582, last 2 ¶¶, as repealed and
20 replaced by PL 1975, c. 770, §36, are amended to
21 read:

22 For any person to whom application is made for a
23 loan or other form of financial assistance for the
24 acquisition, construction, rehabilitation, repair or
25 maintenance of any housing accommodation, whether
26 secured or unsecured, or agent of such person, to
27 make or cause to be made any oral or written inquiry
28 concerning the race or color, sex, physical or mental
29 handicap, religion, ancestry or national origin of
30 any individual seeking such financial assistance, or
31 of existing or prospective occupants or tenants of
32 such housing accommodations; or to discriminate in
33 the granting of such financial assistance, or in the
34 terms, conditions or privileges relating to the
35 obtaining or use of any such financial assistance,
36 against any applicant because of the race or color,
37 sex, physical or mental handicap, religion, ancestry
38 or national origin of such applicant or of the existing
39 or prospective occupants or tenants; ;

40 For any person furnishing rental premises to
41 refuse to rent or impose different terms of tenancy
42 to any individual who is a recipient of federal,
43 state or local public assistance, including medical
44 assistance and housing subsidies solely because of
45 such individual's status as such recipient; ;

1 Sec. 5. 5 MRSA §4582, as repealed and replaced
2 by PL 1975, c. 770, §36, is amended by adding at the
3 end a new paragraph to read:

4 For any apartment building or any form of public
5 housing offering housing accommodations, containing
6 10 or more units, constructed on or after January 1,
7 1984, or begun to be remodeled or enlarged at an
8 estimated total cost of more than \$50,000 after Janu-
9 ary 1, 1984, to not have at least one unit for each
10 multiple of 10 of those units designed so as to be
11 accessible to and useable by handicapped persons.
12 For purposes of this paragraph a housing accommoda-
13 tion unit is deemed to be accessible to and useable
14 by handicapped persons if it meets the requirements
15 of the 1981 standards of construction adopted pur-
16 suant to Title 25, chapter 331.

17 Sec. 6. 5 MRSA §4593, sub-§1, as amended by PL
18 1981, c. 334, §1, is further amended to read:

19 1. Public accommodations. Nothing in section
20 4591 or 4592 related to equal access to public accom-
21 modations or indirectly denying access to the physi-
22 cally handicapped shall apply to existing structures,
23 structures under construction or proposed construc-
24 tion submitted for bid before September 1, 1974. For
25 any building or facility constructed specifically as
26 a place of public accommodation on or after September
27 1, 1974, but before January 1, 1982, or when the
28 estimated total costs for remodeling or enlarging an
29 existing building exceeds \$250,000 and the remodel-
30 ing or enlarging is begun before January 1, 1982, the
31 following standards of construction shall be met.

32 A. There shall be at least one public walk not
33 less than 40 inches wide with a slope not greater
34 than one foot rise in 12 feet leading directly to
35 a primary entrance. However, after April 1, 1977,
36 the public walk shall be not less than 48 inches
37 wide.

38 B. There shall be a door at such primary
39 entrance with a clear opening of no less than 32
40 inches and operable by a single effort. If doors
41 at a primary entrance are in a series, they shall
42 have a space between them of not less than 84

1 inches measured from their closed positions; and
2 each shall open in the same direction so that
3 swings do not conflict.

4 C. Rest room facilities should have at least one
5 stall that is not less than 4 feet wide, 5 feet
6 in depth, a 32-inch wide door that swings out or
7 slides, handrails on each side mounted 33 inches
8 from the floor, and a water closet with a seat 20
9 inches high.

10 D. Doors that are not intended for normal use,
11 and that are dangerous if a blind person were to
12 enter or exit by them, shall be made identifiable
13 to touch by knurling the handle or knob.

14 In any building designed and constructed specifically
15 for ~~public housing or~~ public accommodations, the
16 bathroom facilities and all accompanying fixtures
17 shall be arranged to permit access and use by a
18 person in a wheelchair in at least 1% of the living
19 units. Such units shall be constructed on ground
20 level and shall comply with paragraph C.

21 Sec. 7. 5 MRSA §4594-A is enacted to read:

22 §4594-A. Public accommodations and places of employ-
23 ment constructed, remodeled or enlarged
24 after January 1, 1984

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

27 A. Any building or facility constructed specifi-
28 cally as a place of public accommodation on or
29 after January 1, 1984, or when the estimated
30 total costs for remodeling or enlarging an exist-
31 ing building exceeds \$50,000 and the remodeling
32 or enlarging is begun after January 1, 1984; and

33 B. Any building or facility constructed specifi-
34 cally as a place of employment on or after Janu-
35 ary 1, 1984, or when the estimated total costs
36 for remodeling or enlarging an existing building
37 exceeds \$50,000, and the remodeling or enlarging
38 is begun after January 1, 1984.

1 Section 3 amends the definition of public accom-
2 modation to eliminate public housing accommodation.
3 This was done because section 4 establishes standards
4 of accessibility to and useability by handicapped
5 persons for public housing.

6 Section 5 requires that apartment buildings and
7 public housing constructed or remodeled or enlarged
8 at a cost exceeding \$50,000 after January 1, 1984,
9 must contain at least one unit for every 10 in the
10 building that is accessible to and useable by handi-
11 capped persons. This section also specifies the
12 standards that are to be applied in this situation.

13 Section 6 eliminates a reference to public hous-
14 ing in section 4593 for the same reasons specified in
15 section 3.

16 Section 7 establishes new standards of accessi-
17 bility to handicapped persons for places of public
18 accommodations and employment constructed or substan-
19 tially remodeled, at a cost exceeding \$50,000, after
20 January 1, 1984.

21 Finally, section 8 makes similar changes to those
22 in section 6 for public buildings constructed or sub-
23 stantially remodeled after January 1, 1984.

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