

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 1116, L.D. 1474)  
(New Title)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1671

H.P. 1261

House of Representatives, May 24, 1983

Reported by Representative Hayden from the Committee on Judiciary and printed under Joint Rule 2.

Original bill presented by Representative Andrews of Portland.

Cosponsored by Representative LaPlante of Sabattus and Senator Violette of Aroostook.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Establish Standards of  
Accessibility for Handicapped Persons in  
Public Housing and Places of Public  
Accommodation.

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

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

8. Place of public accommodation. "Place of public accommodation" means any establishment which in fact caters to, or offers its goods, facilities or services to, or solicits or accepts patronage from, the general public; and it includes, but is not limited to: Inns, taverns, roadhouses, hotels,

1 whether conducted for the entertainment or accommoda-  
2 tion of transient guests or of those seeking health,  
3 recreation or rest, restaurant, eating houses or any  
4 place where food is sold for consumption on the prem-  
5 ises; buffets, saloons, ~~bar rooms~~ barrooms or any  
6 store, park or enclosure where spirituous or malt  
7 liquors are sold; ice cream parlors, confectioneries,  
8 soda fountains and all stores where beverages of any  
9 kind are retailed for consumption on the premises;  
10 retail stores and establishments; dispensaries, clin-  
11 ics, hospitals, rest rooms, ~~bath houses~~ bathhouses,  
12 barber shops, beauty parlors, theatres, motion pic-  
13 ture houses, music halls, airdromes, roof gardens,  
14 race courses, skating rinks, amusement and recreation  
15 parks, fairs, bowling alleys, golf courses, gymna-  
16 siums, shooting galleries, billiard and pool parlors,  
17 swimming pools, seashore accommodations and  
18 boardwalks, public libraries, garages and gasoline  
19 stations; all public conveyances operated on land,  
20 water or in the air as well as the stations and ter-  
21 minals thereof; public halls and public elevators of  
22 buildings occupied by 2 or more tenants or by the  
23 owner and one or more tenants; ~~and public housing~~  
24 ~~projects.~~

25 Sec. 2. 5 MRSA §4582, last 2 ¶¶, as repealed and  
26 replaced by PL 1975, c. 770, §36, are amended to  
27 read:

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

1 For any person furnishing rental premises to  
2 refuse to rent or impose different terms of tenancy  
3 to any individual who is a recipient of federal,  
4 state or local public assistance, including medical  
5 assistance and housing subsidies solely because of  
6 such individual's status as such recipient-; or

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

10 For any form of public housing or any housing  
11 that is financed in whole or in part with public  
12 funds offering housing accommodations, containing 20  
13 or more units, constructed on or after January 1,  
14 1984, or begun to be remodeled or enlarged at an  
15 estimated total cost of more than \$100,000 after  
16 January 1, 1984, to not have at least one unit for  
17 each multiple of 20 of those units designed so as to  
18 be accessible to and useable by handicapped persons.  
19 Plans to reconstruct, remodel or enlarge an existing  
20 building when the estimated total cost exceeds  
21 \$100,000 shall be subject to this section, when the  
22 proposed reconstruction, remodeling or enlargement  
23 will substantially affect that portion of the building  
24 normally accessible to the public. For purposes  
25 of this section, a newly constructed housing unit is  
26 deemed accessible to and useable by handicapped persons  
27 if it meets the requirements of the 1981 standards  
28 of construction, Section 4.34, Dwelling Units,  
29 adopted pursuant to Title 25, chapter 331. A  
30 remodeled, renovated or enlarged housing unit is  
31 deemed accessible to and useable by handicapped persons  
32 if it meets the requirements of the following 4  
33 parts of the 1981 standards of construction adopted  
34 pursuant to Title 25, chapter 331:

35 A. 4.3 accessible route;

36 B. 4.13 doors;

37 C. 4.34.5 adaptable bathrooms; and

38 D. 4.29.3 tactile warnings on doors to hazardous  
39 areas.

40 Sec. 4. 5 MRSA §4593, sub-§1, as amended by PL  
41 1981, c. 334, §1, is further amended to read:

1        1. Public accommodations. Nothing in section  
2 4591 or 4592 related to equal access to public accom-  
3 modations or indirectly denying access to the physi-  
4 cally handicapped shall apply to existing structures,  
5 structures under construction or proposed construc-  
6 tion submitted for bid before September 1, 1974. For  
7 any building or facility constructed specifically as  
8 a place of public accommodation on or after September  
9 1, 1974, but before January 1, 1982, or when the  
10 estimated total costs for remodeling or enlarging an  
11 existing building exceeds \$250,000 and the remodeling  
12 or enlarging is begun before January 1, 1982, the  
13 following standards of construction shall be met.

14        A. There shall be at least one public walk not  
15 less than 40 inches wide with a slope not greater  
16 than one foot rise in 12 feet leading directly to  
17 a primary entrance. However, after April 1, 1977,  
18 the public walk shall be not less than 48 inches  
19 wide.

20        B. There shall be a door at such primary  
21 entrance with a clear opening of no less than 32  
22 inches and operable by a single effort. If doors  
23 at a primary entrance are in a series, they shall  
24 have a space between them of not less than 84  
25 inches measured from their closed positions; and  
26 each shall open in the same direction so that  
27 swings do not conflict.

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

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

38        In any building designed and constructed specifically  
39 for ~~public housing or~~ public accommodations, the  
40 bathroom facilities and all accompanying fixtures  
41 shall be arranged to permit access and use by a  
42 person in a wheelchair in at least 1% of the living

units. Such units shall be constructed on ground level and shall comply with paragraph C.

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

§4594-A. Public accommodations constructed, remodeled or enlarged after January 1, 1984

1. Facilities attested. This section applies to any building or facility constructed specifically as a place of public accommodation on or after January 1, 1984, or when the estimated total costs for remodeling or enlarging an existing building exceeds \$150,000 and the remodeling or enlarging is begun after January 1, 1984.

2. Application. Facilities subject to this section shall meet the following standards.

A. Facilities subject to this section constructed on or after January 1, 1984, shall meet the requirements of the 1981 standards of construction adopted pursuant to Title 25, chapter 331.

B. Plans to reconstruct, remodel or enlarge an existing place of public accommodation, when the estimated total cost exceeds \$150,000, shall be subject to this section when the proposed reconstruction, remodeling or enlargement will substantially affect that portion of the building normally accessible to the public.

Facilities subject to this section which are remodeled, enlarged or renovated on or after January 1, 1984, shall meet the requirements of the following 4 parts of the 1981 standards of construction adopted pursuant to Title 25, chapter 331:

(1) 4.3 accessible route;

(2) 4.13 doors;

(3) 4.17 toilet stalls; and

1                   (4) 4.29.3 tactile warnings on doors to  
2                   hazardous areas.

3           6. Effective date. This Act shall become  
4 effective January 1, 1984. Prior to January 1, 1984,  
5 the Maine Human Rights Commission shall furnish  
6 notice and copies of the requirements of accessibility  
7 for places of public accommodations and public  
8 housing to all municipal code enforcement officers.

9                               STATEMENT OF FACT

10           The purpose of this new draft is to extend additional  
11 protection to physically handicapped persons  
12 in housing and public accommodations.

13           Section 1 amends the definition of public accommodation  
14 to eliminate public housing accommodation.  
15 This was done because section 3 establishes standards  
16 of accessibility to and useability by handicapped  
17 persons for public housing.

18           Section 3 requires that public housing constructed,  
19 remodeled or enlarged at a cost exceeding  
20 \$100,000 after January 1, 1984, must contain at least  
21 one unit for every 20 in the building that is accessible  
22 to and useable by handicapped persons. This  
23 section also specifies the standards that are to be  
24 applied in this situation.

25           Section 4 eliminates a reference to public housing  
26 in section 4593 for the same reasons specified in  
27 section 1.

28           Section 5 extends the same standards of accessibility  
29 for handicapped persons to places of public  
30 accommodations constructed on or after January 1,  
31 1984, as exists for public buildings. Standards of  
32 accessibility for remodeled or renovated places of  
33 public accommodation remain the same as in current  
34 law.

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