

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 TWELFTH LEGISLATURE
4

5 Legislative Document

No. 374

6
7 S.P. 135

In Senate, January 31, 1985

8 Submitted by the Department of Human Services pursuant to Joint Rule
9 24.

10 Referred to the Committee on Human Resources and ordered printed.
Sent down for concurrence.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Berube of Androscoggin.

11 Cosponsored by Pines of Limestone, Representative Nelson of Portland
and Representative Manning of Portland.

12 STATE OF MAINE
13

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

17 AN ACT to Regulate Public Swimming Pools and
18 Spas.
19

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

22 22 MRSA c. 602 is enacted to read:

23 CHAPTER 602

24 PUBLIC SWIMMING POOLS AND SPAS

25 §2661. Purpose

26 The purpose of this chapter is to provide minimum
27 requirements and standards for the protection of the
28 public health, safety and welfare of persons using
29 public swimming pools or spas.

30 §2662. Definitions

1 As used in this chapter, unless the context oth-
2 erwise indicates, the following terms have the fol-
3 lowing meanings.

4 1. Communicable disease. "Communicable disease"
5 is a disease capable of being transmitted from one
6 person to another.

7 2. Department. "Department" means the Depart-
8 ment of Human Services.

9 3. Pool depth. "Pool depth" means the distance
10 between the floor of the pool and the maximum operat-
11 ing water level.

12 4. Private spa. "Private spa" means any con-
13 structed spa which is used in connection with a sin-
14 gle or multifamily residence and available only to
15 the residents and private guests.

16 5. Private swimming pool. "Private swimming
17 pool" means any constructed pool which is used as a
18 swimming pool in connection with a single or
19 multifamily residence and available only to the resi-
20 dents and private guests.

21 6. Public spa. "Public spa" means any con-
22 structed spa other than a private spa.

23 7. Public swimming pool. "Public swimming pool"
24 means any constructed or prefabricated pool other
25 than a private swimming pool.

26 8. Spa. "Spa" means a unit containing water
27 primarily designed for nontherapeutic use which is
28 not drained, cleaned or refilled for each individual.
29 It may include, but is not limited to, hydrojet cir-
30 culation, hot water, cold water, mineral baths, air
31 induction bubbles or any combination thereof. The
32 term spa includes, but is not limited to, hot tubs.

33 9. Swimming pool. "Swimming pool" means any ba-
34 sin, chamber or tank constructed of impervious mate-
35 rial, located either indoors or outdoors containing
36 an artificial body of water for swimming or recrea-
37 tional bathing and having a depth of 2 feet or more
38 at any point. This includes any related equipment,

1 structures, areas and enclosures that are intended
2 for the use of persons using or operating the swim-
3 ming pool such as equipment, dressing lockers,
4 showers and toilet rooms.

5 §2663. Existing installations

6 1. Public pool or spa; existing use. Any public
7 swimming pool or spa installed prior to the effective
8 date of this chapter may have its existing use, main-
9 tenance or repair continued if the use, maintenance
10 or repair is in accordance with the original design
11 and location and no hazard to the public health,
12 safety or welfare has been created by the installa-
13 tion.

14 2. Public pool or spa; maintenance. The owner
15 or his designated agent shall be responsible for the
16 maintenance of the public swimming pool or spa in a
17 safe and sanitary condition.

18 §2664. Rules

19 The department may promulgate and enforce rules
20 necessary to protect public health and carry out the
21 provisions of this chapter including, but not limited
22 to, the design, construction and operation of public
23 swimming pools and spas and the qualifications of
24 persons in charge thereof.

25 §2665. Submission of plans

26 No person may begin construction of a public
27 swimming pool or spa or substantially alter or recon-
28 struct any public swimming pool or spa without first
29 having submitted plans and specifications to the de-
30 partment for review and approval.

31 The design criteria to be followed by the depart-
32 ment in the review and approval is the minimum stan-
33 dard for public swimming pools and the minimum stan-
34 dard for public spas published by the National Swim-
35 ming Pool Institute.

36 §2666. Health and safety

1 1. Employment; communicable disease. No person
2 having a communicable disease may be employed or work
3 at a public swimming pool or spa.

4 2. Nuisance. Any public swimming pool or spa
5 found to be unsanitary, as defined by the depart-
6 ment's rules, is declared to be a nuisance.

7 3. Rules; safety. Appropriate facilities shall
8 be provided for the safety of bathers as may be re-
9 quired by the department's rules.

10 4. Supervision. Every public swimming pool or
11 spa shall be under the supervision of a capable indi-
12 vidual who shall assume the responsibility for com-
13 pliance with all parts of this chapter and rules
14 promulgated pursuant to this chapter relating to op-
15 eration and maintenance and safety of bathers.

16 §2667. Inspections

17 The department may conduct the inspections as it
18 deems necessary to insure compliance with all provi-
19 sions of this chapter and the department rules shall
20 have right of entry at any reasonable hour to public
21 swimming pools or spas for this purpose.

22 §2668. Closure

23 The department may close any public swimming pool
24 or spa for failure to comply with the duly promul-
25 gated rules referred in this chapter.

26 Before closing a public swimming pool or spa, the
27 department shall issue a notice in writing enumerat-
28 ing instances of failure to comply with the law or
29 rules. The owner shall have an opportunity to re-
30 quest a fair hearing before the department pursuant
31 to Title 5, sections 9052 to 9064.

32 Closed public swimming pools and spas shall be
33 reopened upon presentation of evidence that the defi-
34 ciencies causing the closing have been corrected.

35 §2669. Penalties

1 Any person who violates any provision of this
2 chapter or who violates rules promulgated under this
3 chapter, commits a civil violation for which a for-
4 feiture not to exceed \$300 may be adjudged. Each and
5 every violation of the provisions of this chapter
6 shall constitute a separate offense. The department
7 may seek to enjoin violations of any of the provi-
8 sions of this chapter, any rule promulgated by in-
9 junction or by any other appropriate proceedings.

10

STATEMENT OF FACT

11 The department has regulated public swimming
12 pools for many years under its general powers. This
13 chapter clarifies the department's authority and ad-
14 dresses for the first time public hot tubs and spas.

15

2162010985