

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1349

S.P. 440

In Senate, April 24, 1987

Reported by Senator Brannigan of Cumberland for the Committee on Judiciary and printed under Joint Rule 2. Original Bill sponsored by Senator Andrews of Cumberland. Cosponsored by: Senator Gauvreau of Androscoggin, Representative Warren of Scarborough, Representative Paradis of Augusta.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT Relating to Enforcement of
Accessibility Standards for Places of
Public Accommodations.

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

5 MRSA §4594-B is enacted to read:

§4594-B. Public accommodations constructed, remodeled or enlarged after January 1, 1988

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

1 A. "Builder" means the applicant for a building
2 permit in a municipality that requires such per-
3 mits or the owner of the property in a municipa-
4 lity that does not require building permits.

5 B. "Design professional" means an architect or
6 professional engineer registered to practice un-
7 der Title 32.

8 C. "Standards of construction" means the 1986
9 standards set forth by the American National
10 Standards Institute in the publication "Specifi-
11 cations for Making Buildings and Facilities Ac-
12 cessible to and Usable by Physically Handicapped
13 People," ANSI A 117.1-1986.

14 2. Facilities attested. This section applies to
15 any building or facility constructed specifically as
16 a place of public accommodation on or after January
17 1, 1988, or when the estimated total costs for remod-
18 eling or enlarging an existing building exceeds
19 \$150,000 and the remodeling or enlarging is begun af-
20 ter January 1, 1988.

21 3. Application. Facilities subject to this sec-
22 tion shall meet the following standards.

23 A. Facilities subject to this section con-
24 structed on or after January 1, 1988, shall meet
25 the standards of construction.

26 B. Plans to reconstruct, remodel or enlarge an
27 existing place of public accommodation, when the
28 estimated total cost exceeds \$150,000, shall be
29 subject to this section when the proposed recon-
30 struction, remodeling or enlargement will sub-
31 stantially affect that portion of the building
32 normally accessible to the public.

33 Facilities subject to this section which are
34 remodeled, enlarged or renovated on or after Jan-
35 uary 1, 1988, shall meet the requirements of the
36 following 4 parts of the standards of construc-
37 tion:

38 (1) 4.3 accessible routes;

- 1 (2) 4.3 doors;
2 (3) 4.17 toilet stalls; and
3 (4) 4.29.3 tactile warnings on doors to
4 hazardous areas.

5 4. Certification; inspection. The builder of a
6 facility to which this section applies shall obtain a
7 certification from a design professional that the
8 plans of the facility meet the standards of construc-
9 tion required by this section. Prior to commencing
10 construction of the facility, the builder shall sub-
11 mit the certification to:

12 A. The municipal authority who reviews plans in
13 the municipality where the facility will be con-
14 structed; or

15 B. If the municipality where the facility will
16 be constructed has no authority who reviews
17 plans, the municipal officers of the municipali-
18 ty.

19 If municipal officials of the municipality where the
20 facility will be constructed inspect buildings for
21 compliance with construction standards, that inspec-
22 tion shall include an inspection for compliance with
23 the standards required by this section. The municipal
24 officials shall require the facility inspected to
25 meet the construction standards of this section be-
26 fore the municipal officials permit the facility to
27 be occupied.

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STATEMENT OF FACT

2 This new draft makes 2 substantive changes in the
3 bill.

4 The bill lowered the threshold for the standards
5 of construction for access for the physically handi-
6 capped to apply to remodeling of public accommoda-
7 tions. Current law does not require the standards of
8 construction to apply until the estimated cost of the
9 remodeling reaches \$150,000. The bill lowers this
10 threshold to \$100,000. The new draft leaves the
11 threshold at the current \$150,000.

12 The bill proposed that a public accommodation
13 subject to the standards of construction for access
14 by the physically handicapped could not be con-
15 structed or opened without review of its construction
16 plans by a governmental authority. The authority
17 would ensure that the plans meet the standards of
18 construction and would inspect during construction
19 for compliance. The new draft requires, instead, that
20 the builder of the public accommodation obtain a cer-
21 tification from a design professional that the facil-
22 ity meets the standards of construction. This certi-
23 fication is submitted to the municipality. Only if
24 the municipality inspects buildings for compliance
25 with construction standards must it inspect a public
26 accommodation for compliance with the standards of
27 construction for access by the physically handi-
28 capped. When such an inspection takes place, the mu-
29 nicipality may not permit the facility to be occupied
30 unless it is in compliance with the standards of con-
31 struction.

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