

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1402

S.P. 458

In Senate, May 1, 1987

Reference to the Committee on State and Local Government suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator MATTHEWS of Kennebec.

Cosponsored by Senator ANDREWS of Cumberland, President  
PRAY of Penobscot, Representative DIAMOND of Bangor.

STATE OF MAINE

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

AN ACT to Prevent Abuse of Handicapped  
Parking Spaces.

1  
2  
3

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

6 Sec. 1. 5 MRSA §4593, sub-§1, ¶E is enacted to  
7 read:

8 E. There shall be parking spaces designated for  
9 handicapped persons set aside in adequate number  
10 and clearly marked for use only by the handi-  
11 capped. Set aside in adequate number means that,  
12 for every 20 parking spaces made available to the  
13 public on a public or private parking lot, at  
14 least one of those spaces shall be made available  
15 in an appropriate location for handicapped park-  
16 ing exclusively.

1           Sec. 2   5   MRSA §4594, sub-§2, ¶¶C and D, as en-  
2   acted by PL 1981, c. 334, §3, are amended to read:

3           C.   4.17 Toilet Stalls; and

4           D.   4.29.3 Tactile Warnings on doors to Hazardous  
5   Areas; and

6           Sec. 3.   5   MRSA §4594, sub-§2, ¶E is enacted to  
7   read:

8           E. Handicapped parking spaces in adequate num-  
9   ber, pursuant to section 4593, subsection 1, par-  
10 agraph E.

11          Sec. 4.   5   MRSA §4594-A, sub-§2, ¶B, as enacted  
12 by PL 1983, c. 437, §5, is amended to read:

13          B.   Plans to reconstruct, remodel or enlarge an  
14 existing place of public accommodation, when the  
15 estimated total cost exceeds \$150,000, shall be  
16 subject to this section when the proposed recon-  
17 struction, remodeling or enlargement will sub-  
18 stantially affect that portion of the building  
19 normally accessible to the public.

20          Facilities subject to this section which are  
21 remodeled, enlarged or renovated on or after Jan-  
22 uary 1, 1984, shall meet the requirements of the  
23 following 4 parts of the 1981 standards of con-  
24 struction adopted pursuant to Title 25, chapter  
25 331:

26               (1) 4.3 accessible route;

27               (2) 4.13 doors;

28               (3) 4.17 toilet stalls; and

29               (4) 4.29.3 tactile warnings on doors to  
30 hazardous areas; and

31               (5) Handicapped parking spaces in adequate  
32 number, pursuant to section 4593, subsection  
33 1, paragraph E.

34          Sec. 5.   30 MRSA §2151, sub-§2, ¶K, as amended by  
35 PL 1983, c. 337, §2, is further amended to read:

1 K. Providing for the establishment and policing  
2 of parking spaces designated for handicapped per-  
3 sons. A municipality with off-street public  
4 parking areas may set aside an adequate number of  
5 these spaces for use by handicapped persons. A  
6 municipality with on-street public parking spaces  
7 may set aside an adequate number of these spaces  
8 in appropriate locations for use by handicapped  
9 persons. The municipality may post any of the  
10 signs authorized by this paragraph adjacent to  
11 and visible from each handicapped parking space.  
12 One sign shall consist of a profile view of a  
13 wheelchair with an occupant in white on a blue  
14 background with a printed inscription. The in-  
15 scription shall read: "Handicapped Parking:  
16 Special Plate Required. Unauthorized vehicles  
17 are subject to a fine." The other signs autho-  
18 rized under this paragraph and which may be  
19 posted in lieu of the first sign shall consist of  
20 a profile view of a wheelchair with an occupant  
21 in white on a blue background which may bear an  
22 inscription. Any new sign erected or any sign  
23 replaced after the effective date of this para-  
24 graph shall conform to the signs authorized by  
25 this paragraph. Any existing posted signs that  
26 do not conform to the provisions of this para-  
27 graph and which were erected prior to the effec-  
28 tive date of this paragraph shall be deemed to be  
29 valid for enforcement purposes. Any vehicle  
30 parked in a parking space designated by--a  
31 municipality as a handicapped parking space that  
32 does not bear a special registration plate or  
33 placard issued under Title 29, section 252, or a  
34 similar plate issued by another state, shall be  
35 cited for a penalty not-to-exceed-\$25 of not less  
36 than \$50 for a first offense unless otherwise es-  
37 tablished by local ordinance. Owners of private  
38 off-street parking may enter into agreements with  
39 local or county law enforcement agencies for the  
40 policing of stalls and spaces dedicated for hand-  
41 icapped persons' vehicles, under which agreements  
42 unauthorized vehicles shall be tagged. Where  
43 service facilities are established on the Maine  
44 Turnpike and on the interstate highway system in  
45 Maine, the State Police shall enforce this sub-  
46 section.

1 Public law enforcement officials may exercise  
2 their vested authority to ensure that parking  
3 spaces designated for the handicapped are uti-  
4 lized appropriately by handicapped persons, irre-  
5 spective of whether the designated handicapped  
6 parking spaces are located on public or private  
7 lots open to the public.

8 STATEMENT OF FACT

9 This bill amends key provisions of the Maine Hu-  
10 man Rights Law relating to public accommodations.  
11 Parking spaces designated for the handicapped are  
12 added to the list of construction standards which are  
13 necessary to meet equal access requirements.

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