

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(NEW DRAFT OF H.P. 1543, L.D. 2098)  
(NEW TITLE)  
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2593

H.P. 1898 House of Representatives, March 29, 1988  
Reported by Representative MANNING from the Committee on  
Human Resources and printed under Joint Rule 2.  
EDWIN H. PERT, Clerk  
Original bill sponsored by Representative JALBERT of  
Lisbon. Cosponsored by Representative HOLLOWAY of Edgecomb,  
Senators GILL of Cumberland and BUSTIN of Kennebec.

STATE OF MAINE

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

1 AN ACT to Provide that Places of Public  
2 Accommodation Install at Least One Standard  
3 Bathroom Stall in Conformance with the  
4 Standards of the American National  
5 Standards Institute.  
6

7 Emergency preamble. Whereas, Acts of the  
8 Legislature do not become effective until 90 days  
9 after adjournment unless enacted as emergencies; and

1       Whereas, alternate stalls allow only minimum  
2 access to people with ambulatory disabilities; and

3       Whereas, alternate stalls are too narrow for  
4 people who use wheelchairs; and

5       Whereas, the standard stall provides access to  
6 both those who use wheelchairs and those who are  
7 ambulatory disabled; and

8       Whereas, other new standards for construction  
9 became effective January 1, 1988; and

10       Whereas, in the judgment of the Legislature, these  
11 facts create an emergency within the meaning of the  
12 Constitution of Maine and require the following  
13 legislation as immediately necessary for the  
14 preservation of the public peace, health and safety;  
15 now, therefore,

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

18       Sec. 1. 5 MRSA §4594-C is enacted to read:

19       §4594-C. Public accommodation constructed, remodeled  
20       or enlarged after September 1, 1988

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

24       A. "Builder" means the applicant for a building  
25       permit in a municipality that requires such  
26       permits or the owner of the property in a  
27       municipality that does not require building  
28       permits.

29       B. "Design professional" means an architect or  
30       professional engineer registered to practice under  
31       Title 32.

32       C. "Standards of construction" means the 1986  
33       standards set forth by the American National  
34       Standards Institute in the publication

1 "Specifications for Making Buildings and  
2 Facilities Accessible to and Usable by Physically  
3 Handicapped People," ANSI A 117.1-1986.

4 2. Facilities attested. This section applies to  
5 any building or facility constructed specifically as a  
6 place of public accommodation on or after September 1,  
7 1988, or when the estimated total costs for remodeling  
8 or enlarging an existing building exceed \$100,000 and  
9 the remodeling or enlarging is begun after September  
10 1, 1988.

11 3. Application. Facilities subject to this  
12 section shall meet the following standards.

13 A. Facilities subject to this section,  
14 constructed on or after September 1, 1988, shall  
15 meet the standards of construction, except that,  
16 in the case of toilet stalls, at least one toilet  
17 stall shall be the standard stall configuration  
18 pursuant to ANSI Figure 30(a). Any additional  
19 toilet stalls may be either standard stall  
20 configuration, ANSI Figure 30(a), or alternate  
21 stall configuration, ANSI Figure 30(b).

22 B. Plans to reconstruct, remodel or enlarge an  
23 existing place of public accommodation, when the  
24 estimated total cost exceeds \$100,000, shall be  
25 subject to this section when the proposed  
26 reconstruction, remodeling or enlargement  
27 substantially affects that portion of the building  
28 normally accessible to the public.

29 Facilities subject to this section which are  
30 remodeled, enlarged or renovated on or after  
31 September 1, 1988, shall meet the requirements of  
32 the following 4 parts of the standards of  
33 construction:

34 (1) 4.3 accessible routes;

35 (2) 4.13 doors;

36 (3) 4.17 toilet stalls, at least one of  
37 which must be a standard toilet stall

1 configuration pursuant to ANSI Figure 30(a).  
2 Any additional toilet stalls may be either  
3 standard stall configuration, ANSI Figure  
4 30(a), or alternate stall configuration, ANSI  
5 Figure 30(b); and

6 (4) 4.29.3 tactile warnings on doors to  
7 hazardous areas.

8 4. Certification; inspection. The builder of a  
9 facility to which this section applies shall obtain a  
10 certification from a design professional that the  
11 plans of the facility meet the standards of  
12 construction required by this section. Prior to  
13 commencing construction of the facility, the builder  
14 shall submit the certification to:

15 A. The municipal authority who reviews plans in  
16 the municipality where the facility will be  
17 constructed; or

18 B. If the municipality where the facility will be  
19 constructed has no authority who reviews plans,  
20 the municipal officers of the municipality.

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

30 Sec. 2. 25 MRSA §2703-A is enacted to read:

31 §2703-A. Construction, remodeling or enlarging begun  
32 after September 1, 1988

33 All construction, remodeling and enlarging begun  
34 after September 1, 1988, of buildings subject to this  
35 chapter shall comply with the standards of  
36 construction, except that, in the case of toilet  
37 stalls, at least one standard stall configuration,

