

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2127

H.P. 1542

House of Representatives, January 5, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Housing and Economic Development suggested and ordered printed.

Handwritten signature of Edwin H. Pert in cursive.

EDWIN H. PERT, Clerk

Presented by Representative FARNSWORTH of Hallowell.

Cosponsored by Senator BUSTIN of Kennebec, Representative GWADOSKY of Fairfield and Senator CLARK of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act to Amend the Maine Human Rights Act with Regard to  
Housing Discrimination on the Basis of Handicap.**

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

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4  
5 MRSA §§4582-A and 4582-B are enacted to read:

6  
8  
§4582-A. Unlawful housing discrimination on the basis of handicap

It is unlawful housing discrimination, in violation of this Act:

10 For any owner, lessee, sublessee, managing agent or other  
12 person having the right to sell, rent, lease or manage a housing  
14 accommodation, or any of their agents to refuse to permit, at the  
16 expense of the handicapped person, reasonable modifications of  
18 existing premises occupied or to be occupied by that person if  
20 the modifications may be necessary to give that person full  
enjoyment of the premises, except that, with a rental, the  
landlord, when it is reasonable to do so, may condition  
permission for a modification on the renter's agreeing to restore  
the interior of the premises to the condition that existed before  
the modification, reasonable wear and tear excepted; or

22 For any owner, lessee, sublessee, managing agent or other  
24 person having the right to sell, rent, lease or manage a housing  
26 accommodation, or any of their agents to refuse to make  
reasonable accommodations in rules, policies, practices or  
services when those accommodations are necessary to give that  
person equal opportunity to use and enjoy the housing.

28  
30 §4582-B. Private and public multifamily housing accommodations  
constructed for first occupancy after March 13, 1991

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

36 A. "Builder" means the applicant for a building permit in a  
38 municipality that requires these permits or the owner of the  
property in a municipality that does not require building  
permits.

40 B. "Design professional" means an architect or professional  
42 engineer registered to practice under Title 32.

44 C. "Standards of construction" means the 1986 standards set  
46 forth by the American National Standards Institute in the  
publication "Specifications for Making Buildings and  
48 Facilities Accessible to and Usable by Physically  
Handicapped People," ANSI A 117.1-1986.

50 2. Facilities attested. This section applies to housing  
52 accommodations consisting of 4 or more dwelling units if those  
accommodations have one or more elevators.

2           3. Application. Facilities subject to this section must  
4           meet the following standards.

6           A. Doors designed to allow passage into and within all  
8           premises within those accommodations must be sufficiently  
10           wide to allow passage by a person in a wheelchair.

12           B. A route accessible to a person in a wheelchair into and  
14           through the dwelling unit must exist.

16           C. Light switches, electrical outlets, thermostats and  
18           other environmental controls must be in locations accessible  
20           to a person in a wheelchair.

22           D. Bathroom walls must have reinforcements to accommodate  
24           the installation of grab bars.

26           E. Kitchens and bathrooms must be accessible to and usable  
28           by a person in a wheelchair.

30           4. Compliance with standards. Compliance with the  
32           standards of construction satisfies the requirements of this  
34           section.

36           5. Certification; inspection. The builder of a facility to  
38           which this section applies shall obtain a certification from a  
40           design professional that the plans of the facility meet the  
42           standards of construction required by this section. Prior to  
44           commencing construction of the facility, the builder shall submit  
46           the certification to:

48           A. The municipal authority that reviews plans in the  
              municipality where the facility is to be constructed; or

B. If the municipality where the facility is to be  
              constructed has no authority who reviews plans, the  
              municipal officers of the municipality.

If municipal officials of the municipality where the facility is  
              to be constructed inspect buildings for compliance with  
              construction standards, that inspection must include an  
              inspection for compliance with the standards required by this  
              section. The municipal officials shall require the facility  
              inspected to meet the construction standards of this section  
              before the municipal officials permit the facility to be occupied.

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**STATEMENT OF FACT**

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This bill makes Maine law consistent with that portion of the Federal Fair Housing Act regarding accessibility construction requirements that are effective March 13, 1991.