

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 669

H.P. 496

House of Representatives, March 3, 2021

**An Act To Ensure Public Ways Are Compliant with the Federal
Americans with Disabilities Act of 1990**

Received by the Clerk of the House on March 1, 2021. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MORALES of South Portland.

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

2 **Sec. 1. 23 MRSA §709** is enacted to read:

3 **§709. Americans with Disabilities Act of 1990 compliance**

4 The Commissioner of Transportation shall ensure that any Department of
5 Transportation project for construction, maintenance or repair of a public way results in the
6 public way meeting all applicable requirements of the federal Americans with Disabilities
7 Act of 1990. Any facility located in a public way, including but not limited to a utility
8 facility, that must be relocated in order to ensure compliance with the federal Americans
9 with Disabilities Act of 1990 under this section must be relocated at the expense of the
10 facility owner.

11 **Sec. 2. 23 MRSA §3055** is enacted to read:

12 **§3055. Americans with Disabilities Act of 1990 compliance**

13 A municipality shall ensure that any municipal project for construction, maintenance
14 or repair of a public way results in the public way meeting all applicable requirements of
15 the federal Americans with Disabilities Act of 1990. Any facility located in a public way,
16 including but not limited to a utility facility, that must be relocated in order to ensure
17 compliance with the federal Americans with Disabilities Act of 1990 under this section
18 must be relocated at the expense of the facility owner.

19 **SUMMARY**

20 This bill requires that any project for construction, maintenance or repair of a road
21 maintain the compliance of, or bring into compliance, the public way with the federal
22 Americans with Disabilities Act of 1990 and that any facility located in a public way that
23 must be relocated in order to ensure compliance be relocated at the expense of the facility
24 owner.