

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

accessory building may be used as part of this enclosure. All gates or doors opening through this enclosure shall be capable of being securely fastened at all times when not in actual use.

§1633. Penalty

Any person who does not comply with this chapter within 30 days, after receiving written notice that he is in violation of its provisions, commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. Each day a violation continues shall be a separate violation.

§1634. Municipal ordinances

Nothing in this chapter may be construed as a preemption by the State. Municipalities may adopt and enforce swimming pool enclosure ordinances, or enforce existing ordinances, that are either less restrictive or more restrictive than this chapter, or that concern matters not dealt with by this chapter.

Effective September 23, 1983.

CHAPTER 437

H.P. 1261 - L.D. 1671

AN ACT to Establish Standards of
Accessibility for Handicapped Persons in
Public Housing and Places of Public
Accommodation.

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

Sec. 1. 5 MRSA §4553, sub-§8, as enacted by PL 1971, c. 501, §1, is amended to read:

8. Place of public accommodation. "Place of public accommodation" means any establishment which in fact caters to, or offers its goods, facilities or services to, or solicits or accepts patronage from, the general public; and it includes, but is not limited to: Inns, taverns, roadhouses, hotels, whether conducted for the entertainment or accommodation of transient guests or of those seeking health, recreation or rest, restaurant, eating houses or any place where food is sold for consumption on the premises; buffets, saloons, ~~bar~~ rooms barrooms or any

store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains and all stores where beverages of any kind are retailed for consumption on the premises; retail stores and establishments; dispensaries, clinics, hospitals, rest rooms, ~~bath houses~~ bathhouses, barber shops, beauty parlors, theatres, motion picture houses, music halls, airdromes, roof gardens, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, seashore accommodations and boardwalks, public libraries, garages and gasoline stations; all public conveyances operated on land, water or in the air as well as the stations and terminals thereof; public halls and public elevators of buildings occupied by 2 or more tenants or by the owner and one or more tenants; and ~~public housing projects.~~

Sec. 2. 5 MRSA §4582, last 2 ¶¶, as repealed and replaced by PL 1975, c. 770, §36, are amended to read:

For any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured, or agent of such person, to make or cause to be made any oral or written inquiry concerning the race or color, sex, physical or mental handicap, religion, ancestry or national origin of any individual seeking such financial assistance, or of existing or prospective occupants or tenants of such housing accommodations; or to discriminate in the granting of such financial assistance, or in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance, against any applicant because of the race or color, sex, physical or mental handicap, religion, ancestry or national origin of such applicant or of the existing or prospective occupants or tenants; ;

For any person furnishing rental premises to refuse to rent or impose different terms of tenancy to any individual who is a recipient of federal, state or local public assistance, including medical assistance and housing subsidies solely because of such individual's status as such recipient; or

Sec. 3. 5 MRSA §4582, as repealed and replaced by PL 1975, c. 770, §36, is amended by adding at the end the following:

For any form of public housing or any housing that is financed in whole or in part with public funds offering housing accommodations, containing 20

or more units, constructed on or after January 1, 1984, or begun to be remodeled or enlarged at an estimated total cost of more than \$100,000 after January 1, 1984, to not have at least one unit for each multiple of 20 of those units designed so as to be accessible to and useable by handicapped persons. Plans to reconstruct, remodel or enlarge an existing building when the estimated total cost exceeds \$100,000 shall be subject to this section, when the proposed reconstruction, remodeling or enlargement will substantially affect that portion of the building normally accessible to the public. For purposes of this section, a newly constructed housing unit is deemed accessible to and useable by handicapped persons if it meets the requirements of the 1981 standards of construction, Section 4.34, Dwelling Units, adopted pursuant to Title 25, chapter 331. A remodeled, renovated or enlarged housing unit is deemed accessible to and useable by handicapped persons if it meets the requirements of the following 4 parts of the 1981 standards of construction adopted pursuant to Title 25, chapter 331:

1. Accessible route. 4.3 accessible route;
2. Doors. 4.13 doors;
3. Adaptable bathrooms. 4.34.5 adaptable bathrooms; and
4. Tactile warnings. 4.29.3 tactile warnings on doors to hazardous areas.

Sec. 4. 5 MRSA §4593, sub-§1, as amended by PL 1981, c. 334, §1, is further amended to read:

1. Public accommodations. Nothing in section 4591 or 4592 related to equal access to public accommodations or indirectly denying access to the physically handicapped shall apply to existing structures, structures under construction or proposed construction submitted for bid before September 1, 1974. For any building or facility constructed specifically as a place of public accommodation on or after September 1, 1974, but before January 1, 1982, or when the estimated total costs for remodeling or enlarging an existing building exceeds \$250,000 and the remodeling or enlarging is begun before January 1, 1982, the following standards of construction shall be met.

A. There shall be at least one public walk not less than 40 inches wide with a slope not greater than one foot rise in 12 feet leading directly to a primary entrance. However, after April 1, 1977, the public walk shall be not less than 48 inches wide.

B. There shall be a door at such primary entrance with a clear opening of no less than 32 inches and operable by a single effort. If doors at a primary entrance are in a series, they shall have a space between them of not less than 84 inches measured from their closed positions; and each shall open in the same direction so that swings do not conflict.

C. Rest room facilities should have at least one stall that is not less than 4 feet wide, 5 feet in depth, a 32-inch wide door that swings out or slides, handrails on each side mounted 33 inches from the floor, and a water closet with a seat 20 inches high.

D. Doors that are not intended for normal use, and that are dangerous if a blind person were to enter or exit by them, shall be made identifiable to touch by knurling the handle or knob.

In any building designed and constructed specifically for ~~public housing or~~ public accommodations, the bathroom facilities and all accompanying fixtures shall be arranged to permit access and use by a person in a wheelchair in at least 1% of the living units. Such units shall be constructed on ground level and shall comply with paragraph C.

Sec. 5. 5 MRSA §4594-A is enacted to read:

§4594-A. Public accommodations constructed, remodeled or enlarged after January 1, 1984

1. Facilities attested. This section applies to any building or facility constructed specifically as a place of public accommodation on or after January 1, 1984, or when the estimated total costs for remodeling or enlarging an existing building exceeds \$150,000 and the remodeling or enlarging is begun after January 1, 1984.

2. Application. Facilities subject to this section shall meet the following standards.

A. Facilities subject to this section constructed on or after January 1, 1984, shall meet the requirements of the 1981 standards of construction adopted pursuant to Title 25, chapter 331.

B. Plans to reconstruct, remodel or enlarge an existing place of public accommodation, when the estimated total cost exceeds \$150,000, shall be subject to this section when the proposed recon-

struction, remodeling or enlargement will substantially affect that portion of the building normally accessible to the public.

Facilities subject to this section which are remodeled, enlarged or renovated on or after January 1, 1984, shall meet the requirements of the following 4 parts of the 1981 standards of construction adopted pursuant to Title 25, chapter 331:

- (1) 4.3 accessible route;
- (2) 4.13 doors;
- (3) 4.17 toilet stalls; and
- (4) 4.29.3 tactile warnings on doors to hazardous areas.

6. Effective date. This Act shall become effective January 1, 1984. Prior to January 1, 1984, the Maine Human Rights Commission shall furnish notice and copies of the requirements of accessibility for places of public accommodations and public housing to all municipal code enforcement officers.

Effective January 1, 1984.

CHAPTER 438

H.P. 1177 - L.D. 1571

AN ACT to Make Technical Adjustments
to the Motor Fuel Tax Laws.

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

Whereas, the increase in motor fuel taxes took effect on April 1, 1983; and

Whereas, the aviation industry is of vital importance to all of the citizens of the State; and

Whereas, there are certain technical adjustments to the motor fuel tax laws that are necessary; and

Whereas, in the judgment of the Legislature,