

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
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SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

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1985

United States or any Maine National Guard state training site accredited with exemption by the commission. A credit shall be granted for the excise tax imposed by this State on malt beverages or table wines sold to any ship chandlers, provided the malt beverages and table wines are resold to vessels of foreign registry for consumption after that vessel has left port or are resold for consumption on board vessels of United States registry which are destined for a foreign port. Any wholesaler selling to such an instrumentality, training site or ship chandlers ~~for resale to vessels of foreign registry~~ shall present proof of that sale to the commission and shall thereupon receive from the commission a credit of all state excise taxes paid in connection with that sale.

Effective September 19, 1985.

CHAPTER 149

H.P. 613 - L.D. 883

AN ACT to Amend the Forest Fire Suppression Tax to Allow Persons Affected by Tax Liens One Year to Pay those Taxes.

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

36 MRSA §2714, sub-§2, as enacted by PL 1983, c. 556, §21, is amended to read:

2. Lien. There shall be a tax lien to secure the payment of all taxes, penalties and interest assessed under this chapter. If the tax is unpaid when due, the lien shall attach when the tax is due, if the State Tax Assessor follows the procedures provided in Title 12, section 8427, subsection 6, except that a lien may not be considered foreclosed until 12 months after the recording of the lien.

Effective September 19, 1985.

CHAPTER 150

S.P. 135 - L.D. 374

AN ACT to Regulate Public Swimming Pools and Spas.

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

22 MRSA c. 602 is enacted to read:

CHAPTER 602

PUBLIC SWIMMING POOLS AND SPAS

§2661. Purpose

The purpose of this chapter is to provide minimum requirements and standards for the protection of the public health, safety and welfare of persons using public swimming pools or spas.

§2662. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Communicable disease. "Communicable disease" is a disease capable of being transmitted from one person to another.

2. Department. "Department" means the Department of Human Services.

3. Pool depth. "Pool depth" means the distance between the floor of the pool and the maximum operating water level.

4. Private spa. "Private spa" means any constructed spa which is used in connection with a single or multifamily residence and available only to the residents and private guests.

5. Private swimming pool. "Private swimming pool" means any constructed pool which is used as a swimming pool in connection with a single or multifamily residence and available only to the residents and private guests.

6. Public spa. "Public spa" means any constructed spa other than a private spa.

7. Public swimming pool. "Public swimming pool" means any constructed or prefabricated pool other than a private swimming pool.

8. Spa. "Spa" means a unit containing water primarily designed for nontherapeutic use which is

not drained, cleaned or refilled for each individual. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles or any combination thereof. The term spa includes, but is not limited to, hot tubs.

9. Swimming pool. "Swimming pool" means any basin, chamber or tank constructed of impervious material, located either indoors or outdoors containing an artificial body of water for swimming or recreational bathing and having a depth of 2 feet or more at any point. This includes any related equipment, structures, areas and enclosures that are intended for the use of persons using or operating the swimming pool such as equipment, dressing lockers, showers and toilet rooms.

§2663. Existing installations

1. Public pool or spa; existing use. Any public swimming pool or spa installed prior to the effective date of this chapter may have its existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to the public health, safety or welfare has been created by the installation.

2. Public pool or spa; maintenance. The owner or his designated agent shall be responsible for the maintenance of the public swimming pool or spa in a safe and sanitary condition.

§2664. Rules

The department may promulgate and enforce rules necessary to protect public health and safety and carry out the provisions of this chapter relating directly to the safe and sanitary design, construction and operation of public swimming pools and spas.

§2665. Submission of plans

No person may begin construction of a public swimming pool or spa or substantially alter or reconstruct any public swimming pool or spa without first having submitted plans and specifications to the department for review and approval. The department review shall be limited to matters relating directly to safety and sanitation.

The design criteria to be followed by the department in the review and approval is the minimum standard for public swimming pools and the minimum stan-

standard for public spas published by the National Swimming Pool Institute.

§2666. Health and safety

1. Employment; communicable disease. No person having a communicable disease may be employed or work at a public swimming pool or spa.

2. Nuisance. Any public swimming pool or spa found to be unsanitary, as defined by the department's rules, is declared to be a nuisance.

3. Supervision. Every public swimming pool or spa shall be under the supervision of a capable individual who shall assume the responsibility for compliance with this chapter relating to the safe and sanitary operation and maintenance of a public swimming pool or spa. Nothing in this chapter may be construed to require a lifeguard to be on duty when a public swimming pool or spa is open to the public.

§2667. Inspections

The department may conduct the inspections as it deems necessary to insure compliance with the provisions of this chapter and shall have right of entry at any reasonable hour to public swimming pools or spas for this purpose.

§2668. Closure

The department may close any public swimming pool or spa for failure to comply with the provisions of this chapter.

Before closing a public swimming pool or spa, the department shall issue a notice in writing enumerating instances of failure to comply with the law or rules. The owner shall have an opportunity to request a fair hearing before the department pursuant to Title 5, sections 9052 to 9064.

Closed public swimming pools and spas shall be reopened upon presentation of evidence that the deficiencies causing the closing have been corrected.

§2669. Penalties

The department may seek injunctive or other appropriate judicial relief for violations of any provisions of this chapter.