

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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

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

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

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

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

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

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

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

(1) 4.3 accessible routes;

(2) 4.13 doors;

(3) 4.17 toilet stalls, at least one of which must be a standard toilet stall configuration pursuant to ANSI Figure 30(a). Any additional toilet stalls may be either standard stall configuration, ANSI Figure 30(a), or alternate stall configuration, ANSI Figure 30(b); and

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

4. Certification; inspection. The builder of a facility to which this section applies shall obtain a certifica-

tion from a design professional that the plans of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to:

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

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

If municipal officials of the municipality where the facility will be constructed inspect buildings for compliance with construction standards, that inspection shall 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.

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

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

All construction, remodeling and enlarging begun after September 1, 1988, of buildings subject to this chapter shall comply with the standards of construction, except that, in the case of toilet stalls, at least one standard stall configuration, ANSI Figure 30(a) shall be used. Any additional toilet stalls may either be standard stall configuration, ANSI Figure 30(a), or alternate stall configuration, ANSI Figure 30(b).

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 6, 1988.

## CHAPTER 687

H.P. 1901 — L.D. 2597

### AN ACT to Restrict Smoking in Elementary and Secondary Schools.

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

22 MRSA §1578-B is enacted to read:

§1578-B. Tobacco use in elementary and secondary schools prohibited

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

A. "Elementary or secondary school" means any public elementary or secondary school approved in accordance with Title 20-A, chapter 206, subchapter I.

B. "Principal" has the same meaning as defined in Title 20-A, section 1, subsection 21.

C. "Student" means any elementary or secondary student enrolled in an elementary or secondary school as defined in Title 20-A, chapter 1.

D. "Tobacco use" includes smoking, which means carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke, and the use of smokeless tobacco.

2. Prohibition. Except as provided in subsections 3 and 4, no student or school employee is allowed to use tobacco in the buildings or on the grounds of any elementary or secondary school while school is in session.

3. Exceptions. Tobacco use may be permitted in classrooms only as part of a bona fide demonstration during a class lesson, with prior notice being given to the school's administrator.

4. Employees. School employees are prohibited from tobacco use in school buildings or on school grounds, except that a local school board may establish a designated smoking area or areas in accordance with section 1580-A, subsection 3, and employees may reopen collective bargaining negotiations in accordance with section 1578-A, subsection 4, for the purpose of bargaining for smoking areas. Any school employee smoking area shall be located away from areas frequented by students.

5. Public. Tobacco use by any member of the public, other than an employee or student, in school buildings and on school grounds shall be governed by section 1578-A.

6. Enforcement. The principal of the elementary or secondary school, or the principal's designee, shall enforce the law prohibiting and restricting tobacco use under this section.

Effective August 4, 1988.

## CHAPTER 688

S.P. 907 — L.D. 2362

### AN ACT to Require Testing for Dioxin and Toxic Metals at Energy Recovery Facilities.

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

38 MRSA §590-B is enacted to read:

#### §590-B. Testing at resource recovery facilities

1. Testing; first 2 years of commercial operation. The board shall require testing at each resource

recovery facility burning municipal solid waste at least once in every 6-month period during the first 2 years of commercial operation for the presence of dioxin and heavy metals, including, but not limited to, lead, cadmium and chromium in the emissions of the facility. The cost of these tests shall be paid by the applicant or permittee.

2. Testing after first 2 years of licensure. After the facility has been in operation and licensed for 2 years, the board shall require testing for dioxin and heavy metals, including, but not limited to, lead, cadmium and chromium in the emissions of the facility at a frequency determined by the board by rule. The cost of these tests shall be paid by the applicant or permittee.

A. The rules adopted by the board under this section shall establish a system of monitoring the overall air emission performance of these types of facilities employing surrogate measures of combustion efficiency and other parameters which, in the judgment of the board, may affect the creation of dioxin emissions and the emission of heavy metals. The board shall provide for minimum acceptable operating conditions as indicated by the surrogate measures. Failure to achieve and maintain these conditions shall result in testing for dioxin and heavy metals as indicated by the surrogate measures.

B. Scheduling of tests required by this subsection shall reflect the operating conditions which originally required the testing to ensure the greatest protection of public health and the environment. Seasonal differences in waste stream composition and atmospheric and climatic conditions shall be taken into account in conducting the tests.

C. The board shall adopt rules under this section on or before January 1, 1989.

3. Public and local participation. The municipal officers, or their designees, of the municipality within which the facility is located or, in the case of a facility located within an unorganized territory or plantation, the county commissioners, or their designees, may conduct an independent review of any testing protocol, test results and their interpretations and any standards or assumptions upon which the test protocol or results are based, which items are required by this section.

The review authorized in this subsection may make use of the services of independent consultants and may include, without limitation, review of the testing protocol, test results and their interpretations and any standards or assumptions upon which the test protocol or results are based. The cost of each such review shall be paid by the applicant or permittee in an amount not to exceed \$1,000 per test.

4. Authority for further tests. The board shall have the authority to make such further tests for compliance