



Maine Human Rights Commission

51 State House Station, Augusta, ME 04333-0051

Physical location: 19 Union Street, Augusta, ME 04330

Phone (207) 624-6290 ■ Fax (207) 624-8729 ■ TTY: Maine Relay 711

www.maine.gov/mhrc

Amy M. Sneirson
EXECUTIVE DIRECTOR

John P. Gause
COMMISSION COUNSEL

2010 ADA STANDARDS FOR ACCESSIBLE DESIGN IN MAINE

What is Different Under Maine State Law?

The Maine Human Rights Act, 5 M.R.S. §§ 4594-G (“MHRA”), and the 2010 ADA Standards for Accessible Design (“2010 Standards”) have the **same requirements, except**:

- 1) The MHRA has a different definition of **“new construction”**:
 - MHRA: Facilities constructed for first occupancy or an alteration if the cost of the alteration is 75% or more of the replacement cost of the completed facility.
 - 2010 Standards: Facilities constructed for “first occupancy.”
- 2) The MHRA requires a **“barrier-free certification”** of plans as follows:
 - If the costs of construction or alterations are at least \$75,000,
 - The builder of facility must get a certification from a licensed architect, professional engineer, certified interior designer or landscape architect that the plans meet the 2010 Standards, and
 - Submit it and the plans to the State Fire Marshal and the town.
- 3) The MHRA requires **Fire Marshal approval** of plans as follows:
 - If new construction of a building to be used by the general public,
 - The town may not issue a building permit until the Fire Marshal’s office approves the plans and certifies that they meet the 2010 Standards.
 - If no decision is issued by the Fire Marshal within two weeks, builder may submit architect or engineer attestation of compliance to the town to get building permit.
 - Covered “public buildings” include those built for:
 - State, municipal or county purposes
 - Education
 - Health care, residential care nursing homes or any facility licensed by the Department of Health and Human Services
 - Public assembly
 - Hotel, motel, inn or rooming or lodging house
 - Restaurant
 - Business or mercantile occupancy of more than 3,000 square feet or more than one story
- 4) The MHRA requires town **inspection** of completed buildings as follows:
 - If it is new construction or alteration of a restaurant, motel, hotel or inn; state, municipal or county building; or an elementary or secondary school,
 - That required a barrier-free certification (see above),
 - And town otherwise inspects buildings for compliance with building standards,
 - Then the Town must inspect the completed building for compliance with the plans certified by the Fire Marshal or design professional before an occupancy permit is issued.