



# Maine Human Rights Commission

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## 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.