



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 823

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H.P. 574

House of Representatives, March 5, 2013

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### **An Act To Require Institutions of Higher Learning To Comply with the Federal Americans with Disabilities Act**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SANDERSON of Chelsea. (BY REQUEST)  
Cosponsored by Senator MASON of Androscoggin and  
Representatives: DOAK of Columbia Falls, HARVELL of Farmington, POULIOT of Augusta,  
WEAVER of York.

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

2 **Sec. 1. 5 MRSA §4594-H** is enacted to read:

3 **§4594-H. Automatic door openers; institutions of higher learning**

4 **1. Facilities.** This section applies to any facility owned or operated for educational  
5 purposes by a duly authorized institution of higher learning, as defined in Title 20-A,  
6 section 10801, that receives any federal or state educational funding, as defined by the  
7 commission by rule.

8 **2. Application.** Except as provided in this section, every door allowing access to a  
9 room or area of the facility to which a student of the duly authorized institution of higher  
10 learning or a member of the general public is permitted access must have a working  
11 automatic door opener operated by a wall-mounted electronic push-button device that  
12 meets standards adopted by the commission by rule. The requirements of this section do  
13 not apply to a classroom if the duly authorized institution of higher learning has a written  
14 policy that ensures the door is closed only when a class is in session or when the  
15 classroom is not open to students or the public.

16 **3. Rules.** The commission shall adopt rules necessary to implement this section and  
17 ensure facilities governed by this section are accessible to, functional for and safe for use  
18 by persons with physical disability in accordance with subsection 2. The rules must  
19 specify a reasonable schedule for facilities in existence on the effective date of this  
20 section to come into compliance with this section. Rules adopted under this section are  
21 routine technical rules as defined in chapter 375, subchapter 2-A.

22 **4. Certification.** In accordance with rules adopted by the commission, a duly  
23 authorized institution of higher learning subject to this section shall provide certification  
24 of compliance with this section to the Department of Public Safety, Office of the State  
25 Fire Marshal and to the municipality where the facility is being constructed or exists.

26 **5. Training, education and assistance.** The commission and the Department of  
27 Public Safety, Office of the State Fire Marshal shall, as necessary, develop information  
28 packets, lectures, seminars and educational forums for the purpose of increasing the  
29 awareness and knowledge of the provisions of this section.

30 **SUMMARY**

31 This bill requires all institutions of higher learning that receive state or federal funds  
32 to install on every door allowing access to a room in or area of its educational facilities to  
33 which a student or a member of the general public is permitted access a working  
34 automatic door opener operated by a wall-mounted electronic push-button device that  
35 meets standards adopted by the Maine Human Rights Commission.