

CHAPTER 602**PUBLIC 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 pools or spas. [PL 2007, c. 631, §3 (AMD).]

SECTION HISTORY

PL 1985, c. 150 (NEW). PL 2007, c. 631, §3 (AMD).

§2662. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 150 (NEW).]

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

[PL 1985, c. 150 (NEW).]

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

[PL 1985, c. 150 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

2-A. Medical facility pool or medical facility spa. "Medical facility pool" or "medical facility spa" means a pool or spa under the direct supervision and control of licensed medical personnel.

[PL 2007, c. 631, §4 (NEW).]

2-B. Pool. "Pool" means a basin, chamber or tank constructed of smooth, impervious and easily cleaned materials, located either indoors or outdoors, in-ground, aboveground or on-ground, provided with a controlled water supply and containing an artificial body of water used for swimming, recreational bathing or wading. "Pool" includes any related equipment, structures, areas and enclosures that are intended for the use of persons using or operating the pool, including equipment, dressing lockers, showers and toilet rooms.

[PL 2007, c. 631, §4 (NEW).]

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

[PL 1985, c. 150 (NEW).]

4. Residential spa. "Residential spa" means any constructed spa, permanently installed or portable, that is used in connection with a single or multifamily residence, used by tenants of apartment buildings, owners of condominiums or members of property owners associations and available only to these residents and their private guests or used by guests of a lodging place as defined in section 2491, subsection 7-F that has 10 or fewer rooms or cottages.

[PL 2023, c. 113, §1 (AMD).]

5. Residential swimming pool. "Residential swimming pool" means any constructed pool that is used for swimming in connection with a single or multifamily residence, used by tenants of apartment buildings, owners of condominiums and members of property owners associations and available only to these residents and their private guests. A pool on the premises of a family child care provider who is licensed or required to be licensed under section 8301-A is a residential swimming pool.

[PL 2021, c. 35, §2 (AMD).]

6. Public spa. "Public spa" means any constructed spa other than a residential spa or medical facility spa.

[PL 2007, c. 631, §4 (AMD).]

7. Public pool. "Public pool" means any constructed or prefabricated pool other than a residential pool or medical facility pool that is intended to be used for swimming, recreational bathing or wading and is operated by an owner, lessee, tenant or concessionaire or by a person licensed by the department, regardless of whether a fee is charged for use. A pool on the premises of a child care facility that is licensed or required to be licensed under section 8301-A is a public pool.

[PL 2007, c. 631, §4 (AMD).]

8. Spa. "Spa" means a unit containing water primarily designed for therapeutic or nontherapeutic use that 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. "Spa" includes, but is not limited to, a therapeutic pool, hydrotherapy pool, whirlpool, hot spa and hot tub.

[PL 2007, c. 631, §4 (AMD).]

9. Swimming pool.

[PL 2007, c. 631, §4 (RP).]

SECTION HISTORY

PL 1985, c. 150 (NEW). PL 2003, c. 689, §B6 (REV). PL 2007, c. 631, §4 (AMD). PL 2021, c. 35, §2 (AMD). PL 2023, c. 113, §1 (AMD).

§2663. Existing installations

1. Public pool or spa; existing use. Any public pool or spa installed prior to September 19, 1985, 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.

[PL 2007, c. 631, §5 (AMD).]

2. Public pool or spa; maintenance. The owner or the owner's designated agent is responsible for the maintenance of the public pool or spa in a safe and sanitary condition.

[PL 2007, c. 631, §5 (AMD).]

SECTION HISTORY

PL 1985, c. 150 (NEW). PL 2007, c. 631, §5 (AMD).

§2664. Rules

The department may adopt 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 pools and spas. [PL 2007, c. 631, §6 (AMD).]

SECTION HISTORY

PL 1985, c. 150 (NEW). PL 2007, c. 631, §6 (AMD).

§2665. Submission of plans

A person may not begin construction of a public pool or spa or substantially alter or reconstruct any public pool or spa without first having submitted plans and specifications to the department for review and approval. The department review is limited to matters relating directly to safety and sanitation. [PL 2007, c. 631, §7 (AMD).]

Submitted plans and specifications must be sealed by a licensed professional engineer under Title 32, chapter 19 and must include a statement by the engineer indicating that the plans and specifications

meet the minimum standard for all pools and the minimum standard for all spas published by the American National Standards Institute and the Association of Pool and Spa Professionals or successor organizations as identified by the department by rule. [PL 2023, c. 113, §2 (AMD).]

The design criteria standards that the department is using to review and approve pools and spas must be posted annually on the department's publicly accessible website. [PL 2007, c. 631, §7 (NEW).]

SECTION HISTORY

PL 1985, c. 150 (NEW). PL 2007, c. 631, §7 (AMD). PL 2023, c. 113, §2 (AMD).

§2666. Health and safety

1. Employment; communicable disease.

[PL 2007, c. 631, §8 (RP).]

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

[PL 2007, c. 631, §8 (AMD).]

3. Supervision. Every public pool or spa must be under the supervision of a person as defined in standards by American National Standards Institute and the Association of Pool and Spa Professionals or successor organizations who shall assume the responsibility for compliance with this chapter relating to the safe and sanitary operation and maintenance of a public pool or spa. This chapter may not be construed to require a lifeguard to be on duty when a public pool or spa is open to the public.

[PL 2007, c. 631, §8 (AMD).]

4. Anti-entrapment devices required. Every public pool and public spa must comply with the federal swimming pool and spa drain cover standards as specified in the Virginia Graeme Baker Pool and Spa Safety Act, 15 United States Code, Sections 8001 to 8006. The Maine Center for Disease Control and Prevention shall enforce the provisions of this subsection provided federal funds are available to cover all costs associated with this enforcement activity. Enforcement includes, but is not limited to, the closure of any public pool or public spa that does not meet the requirements of the federal swimming pool and spa drain cover standards.

[PL 2009, c. 206, §1 (NEW).]

SECTION HISTORY

PL 1985, c. 150 (NEW). PL 2007, c. 631, §8 (AMD). PL 2009, c. 206, §1 (AMD).

§2667. Inspections

The department may conduct the inspections as it considers necessary to ensure compliance with the provisions of this chapter and has right of entry at any reasonable hour to public pools or spas for this purpose. [PL 2007, c. 631, §9 (AMD).]

SECTION HISTORY

PL 1985, c. 150 (NEW). PL 2007, c. 631, §9 (AMD).

§2668. Closure

The department may close any public pool or spa for failure to comply with the provisions of this chapter. [PL 2007, c. 631, §10 (AMD).]

Before closing a public pool or spa, the department shall issue a notice in writing enumerating instances of failure to comply with the law or rules. The owner must have an opportunity to request a fair hearing before the department pursuant to Title 5, sections 9052 to 9064. [PL 2007, c. 631, §10 (AMD).]

Closed public pools and spas must be reopened upon presentation of evidence that the deficiencies causing the closing have been corrected. [PL 2007, c. 631, §10 (AMD).]

SECTION HISTORY

PL 1985, c. 150 (NEW). PL 2007, c. 631, §10 (AMD).

§2669. Penalties

The department may seek injunctive or other appropriate judicial relief for violations of any provisions of this chapter. [PL 1985, c. 150 (NEW).]

SECTION HISTORY

PL 1985, c. 150 (NEW).

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