

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 8 in §4594-G by striking out all of subsection 3 (page 16, lines 15 to 28 in L.D.) and inserting the following:

**‘3. Unlawful discrimination.** In addition to failure to meet applicable accessible building requirements in subchapter 4, for purposes of this Act, unlawful discrimination includes, but is not limited to, the failure to meet the standards of construction for new construction or alterations subject to this section.’

Amend the bill in section 8 in §4594-G in subsection 4 in the 2nd line (page 16, line 30 in L.D.) by striking out the following: "\$50,000" and inserting the following: '\$75,000'

Amend the bill in section 8 in §4594-G by striking out all of subsection 9 (page 18, lines 5 to 13 in L.D.) and inserting the following:

**‘9. Waivers; variance.** Builders of facilities governed by subsection 6 may file a petition with the State Fire Marshal requesting a waiver or variance of the standards of construction. If a representative of the Office of the State Fire Marshal determines, in cases covered by mandatory plan review pursuant to subsection 6, that compliance with this section and its rules is structurally impracticable, the State Fire Marshal may provide for modification of, or substitution for, these standards. In all petitions for variance or waiver, the burden of proof is on the party requesting the variance or waiver to justify allowing the variance or waiver.’

Amend the bill by inserting after section 8 the following:

**‘Sec. 9. Review and legislation.** After reviewing the standards established in that section of this Act that enacts the Maine Revised Statutes, Title 5, section 4594-G, and comparing the standards with those applicable under federal law beginning March 15, 2012, the Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 125th Legislature implementing recommended changes in the standards.’

## SUMMARY

This amendment makes 4 changes to the bill.

First, this amendment deletes the additional accessibility standards that would apply for alterations subject to the new standards when the alterations to an existing building exceed \$100,000.

Second, this amendment adjusts the threshold of construction or alterations that trigger barrier-free certification from \$50,000 to \$75,000. The \$50,000 threshold was established in 1995, and raising the threshold to \$75,000 roughly approximates the effect of inflation.

Third, this amendment applies the waiver for structural impracticability to all facilities that require mandatory plan review and certification that standards are met, rather than limiting the waiver to private entities as provided in the bill.

Fourth, this amendment authorizes the Joint Standing Committee on Judiciary to introduce a bill in the Second Regular Session of the 125th Legislature to implement any recommendations after a review of the new standards and a comparison with the federal standards that take effect March 15, 2012.

**FISCAL NOTE REQUIRED**

**(See attached)**