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TRANSPORTATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 496, L.D. 669, “An Act To Ensure Public Ways Are Compliant with the Federal Americans with Disabilities Act of 1990”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 23 MRSA §709 is enacted to read:

§709. Americans with Disabilities Act of 1990 compliance

Whenever the Department of Transportation undertakes a project for construction or reconstruction of a public way, the owner of an aboveground facility, including but not limited to poles, guys, hydrants, transformers or other utility facilities, within that portion of the public way shall ensure that the facility meets the requirements of the Americans with Disabilities Act of 1990. Any alteration, relocation or expense necessary to meet the requirements of the Americans with Disabilities Act of 1990 is the sole responsibility of the facility owner.

Sec. 2. 23 MRSA §3055 is enacted to read:

§3055. Americans with Disabilities Act of 1990 compliance

Whenever a municipality undertakes a project for construction or reconstruction of a public way, the owner of an aboveground facility, including but not limited to poles, guys, hydrants, transformers or other utility facilities, within that portion of the public way shall ensure that the facility meets the requirements of the Americans with Disabilities Act of 1990. Any alteration, relocation or expense necessary to meet the requirements of the Americans with Disabilities Act of 1990 is the sole responsibility of the facility owner.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment makes an alteration or relocation required to comply with the Americans with Disabilities Act of 1990 of an aboveground facility within the portion of a

COMMITTEE AMENDMENT

1 public way that is part of a construction or reconstruction project the financial responsibility
2 of the facility owner.