

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 496 - L.D. 669

**An Act To Ensure Public Ways Are Compliant with the Federal Americans
with Disabilities Act of 1990**

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

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.