

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

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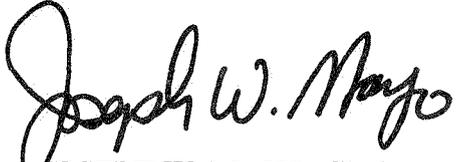
H.P. 775

House of Representatives, February 13, 1997

**Resolve, Establishing a Task Force to Examine the Desirability of a
Model Municipal Building Code.**

(EMERGENCY)

Submitted by the State Planning Office pursuant to Joint Rule 204.
Reference to the Committee on Banking and Insurance suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative KONTOS of Windham.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: AHEARNE of Madawaska, COWGER of Hallowell, JONES of Greenville,
Senator: KIEFFER of Aroostook.

2 **Emergency preamble.** Whereas, Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

4 Whereas, municipal building codes, and the resources
6 available to enforce and administer those codes, vary
considerably among Maine's towns and cities; and

8 Whereas, private insurance carriers have recognized that
10 greater damage due to natural events, such as floods and storms,
often results because communities have inadequately designed or
12 administered municipal building codes; and

14 Whereas, in order to minimize their own potential
liabilities, private insurance carriers have and are developing
16 rating systems in which the price for property and casualty
insurance of business and residential structures reflects the
18 rating's assessment of the effectiveness of the communities
building codes and the administration of those codes; and

20 Whereas, a model municipal building code has the potential
22 to assist Maine communities interested in adopting a municipal
building code; reduce the cost to Maine families and businesses
24 for property insurance; improve public safety; and foster code
consistency between towns; and

26 Whereas, in the judgment of the Legislature, these facts
28 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
30 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

32 **Sec. 1. Task force created; duties. Resolved:** That there is
34 established the Task Force to Study the Desirability of a Model
Municipal Building Code, referred to in this resolve as the "task
36 force." In order to advise the Governor and the Legislature on
the desirability and feasibility of establishing a model
38 municipal building code in this State, the task force shall study
existing state standards and procedures, including State Fire
40 Marshal review, life safety codes, building energy standards and
access requirements; similar codes used in other states; any past
42 efforts to establish such a code in the State; existing and
proposed insurance industry standards rating the effectiveness of
44 municipal building codes and their administration; and options
for using existing building codes, such as the National Building
46 Code and Building Officials and Code Administrators (BOCA), in
designing a model municipal building code. The task force shall
48 carefully consider the great diversity of need and capacity that
exists among the State's rural and urban municipalities. The
50 task force shall present its findings to the Governor and

2 Legislature and may make recommendations, including
3 recommendations for legislative changes; and be it further

4 **Sec. 2. Appointment. Resolved:** That the task force consists of
5 the following 9 members:

6 **1. State agencies.** The Director of the State Planning
7 Office or the director's designee and the State Fire Marshal or
8 the fire marshal's designee;

9 **2. Municipal agencies and officials.** The Executive
10 Director of the Maine Municipal Association or the executive
11 director's designee and the President of the Maine Building
12 Officials and Inspectors Association or the president's designee;

13 **3. Private individuals.** The Executive Director of the
14 Associated General Contractors of Maine or the director's
15 designee, the President of the Maine Chapter of the American
16 Institute of Architects or the president's designee and 3 members
17 of the public appointed by the Governor, one of whom must be
18 knowledgeable in property and casualty insurance issues; and

19 **4. Chair.** The member representing the State Planning
20 Office shall chair the task force.

21 All appointments must be made no later than 30 days after
22 the effective date of this resolve; and be it further

23 **Sec. 3. Meetings. Resolved:** That the task force may meet as
24 often as necessary, at the call of the chair; and be it further

25 **Sec. 4. Staffing. Resolved:** That the State Planning Office
26 shall provide staff assistance to the task force; and be it
27 further

28 **Sec. 5. Coordination. Resolved:** That the task force shall
29 coordinate with other appropriate state agencies and other
30 organizations, including but not limited to: the Maine Emergency
31 Management Agency; the Bureau of General Services; the Department
32 of Environmental Protection; the Department of Economic and
33 Community Development; the Division of Health Engineering; the
34 Maine State Housing Authority; and professional and technical
35 organizations specializing in the areas of fire prevention and
36 safety, insurance, engineering, planning, life safety, access and
37 manufactured housing; and be it further

38 **Sec. 6. Compensation. Resolved:** That task force members shall
39 serve without compensation; and be it further

40 **Sec. 7. Report. Resolved:** That the task force shall submit
41 its findings, together with any recommendations, including

2 implementing legislation, to the Governor and the Joint Standing
Committee on Banking and Insurance by September 15, 1997.

4 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

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SUMMARY

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The purpose of this resolve is to create a task force to
12 study and advise the Governor and Legislature on the desirability
and feasibility of developing a model municipal building code.
14 The use by Maine municipalities of an adequately administered
model code that fosters sound construction practices has the
potential to reduce the price homeowners and businesses must pay
16 for property and casualty insurance, such as homeowners'
insurance. Community rating systems used by private insurance
18 carriers that assess the effectiveness of municipal building
codes and their administration are a factor in determining the
20 price for property and casualty insurance in a given town or city.