

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1865

H.P. 1305

House of Representatives, January 3, 2006

**An Act To Clarify the Time Period in Which Municipalities Must  
File Notices of Intent with the State for Purposes of Issuing Building  
Permits**

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Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BARSTOW of Gorham.

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

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4       **Sec. 1. 5 MRSA §1742-B**, as amended by PL 2001, c. 615, §1, is further amended to read:

6       **§1742-B. Municipal building ordinances**

8       The Department of Administrative and Financial Services, Bureau of General Services, referred to as "the bureau" in this section, shall notify a municipality of a state construction project or public improvement within the boundaries of that municipality as soon as practicable after beginning the schematic design process. If a municipality intends to review and issue building permits on state construction projects and public improvements, the municipality must file a notice of intent with the ~~Department of Administration, Bureau of Public Improvements~~ bureau no later than 30 days following receipt of notification by the bureau of the state construction project or public improvement. Once the required notice is filed, the projects and improvements to state-owned or leased buildings must comply with municipal ordinances governing the construction and alteration of buildings, provided that the municipal building code standards are as stringent as, or more stringent than, the code for state buildings. Prior to requesting bids, the bureau shall obtain or it shall require the project designer to obtain municipal approval of the project plans and specifications. Contractors and subcontractors shall obtain all necessary municipal building permits and the project must be subject to municipal inspections.

30       Fees may be assessed assessed for any permit obtained for any state construction project or public improvements to state-owned buildings.

34       If a proposed public improvement is for new construction only and is not reviewed by a municipality, the state agency responsible for the new construction shall provide public notice of the project in the same manner as is required for notice of similar projects by ordinance of the municipality. Public notice under this paragraph must be provided as soon as development of the schematic design for the project is complete.

42       For purposes of this section, "schematic design" means the phase of the project or public improvement when the scale, proportions and relationships of the major project components are defined and the major building systems, construction materials, cost estimate and schedule of the project or public improvement are identified. Documents that are a part of the schematic design include a site plan and floor plan and building sections and elevations.

## SUMMARY

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4       This bill clarifies that a municipality must be informed  
6       early in the design process of a state construction project or  
8       public improvement within that municipality's boundaries and  
      requires a municipality that intends to review or issue permits  
      for that project or improvement to file notice of intent within  
      30 days of notification of the project or improvement.