

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 403**

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H. P. 316

House of Representatives, January 28, 1969

Referred to Committee on Business Legislation. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hewes of Cape Elizabeth.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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### **AN ACT** Relating to Construction Permits from Insurance Commissioner.

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

Sec. 1. R. S., T. 25, § 2448, repealed and replaced. Section 2448 of Title 25 of the Revised Statutes is repealed and the following enacted in place thereof:

#### § 2448. Construction permit

No person, firm or corporation shall construct reconstruct or cause to be constructed or reconstructed a building or addition thereto to be used as a place of assembly, educational building, institutional building, residential building, mercantile building, office building, library, emergency shelter for more than 10 persons, or any building to be state, county or municipally owned or operated without first obtaining from the Insurance Commissioner a permit therefor.

If any such building be damaged by fire or otherwise to the extent of 50% or more, no person, firm or corporation shall repair or reconstruct such building without first obtaining from the Insurance Commissioner a permit therefor. A request for a permit shall be accompanied by a true copy of the plans and specifications for such construction or reconstruction. The commissioner shall issue a permit only if the plans comply with statutes and lawful regulations promulgated to reduce fire hazards.

1. Place of assembly. Place of assembly for the purposes of this section shall mean any place for the congregation or gathering of groups of persons for amusement, recreation, social, religious, patriotic, civic, travel and similar purposes, including, but not limited to, occupancies such as: Theaters, motion picture theaters, assembly halls, auditoriums, exhibition halls, mu-

seums, skating rinks, gymnasiums, bowling alleys, pool rooms, armories, restaurants, churches, dance halls, club rooms, passenger stations and terminals of air, surface, underground and marine public transportation facilities and recreation piers.

2. Educational buildings. Educational buildings for the purposes of this section shall mean buildings used for the gathering of groups of persons for purpose of instruction, including, but not limited to schools, colleges, universities, academies, nursery schools, kindergarten and those whose purpose is primarily educational even though the children are of a preschool age.

3. Institutional buildings. Institutional buildings for the purposes of this section shall mean buildings used for purposes such as medical or other treatment or care of persons suffering from physical and mental illness, disease or infirmity, for the care of infants, convalescent or aging persons, and for penal or corrective puposes, including, but not limited to, hospitals, nursing homes, boarding homes for the aged, nurseries, prisons, jails, houses of correction and reformatories.

4. Residential buildings. Residential buildings for the purposes of this section shall include buildings used for the following purposes:

A. Hotels. Buildings or groups of buildings under the same management in which there are more than 15 sleeping accommodations for hire available for transients who are lodged with or without meals, whether designated as a hotel, permanent guests hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be classified as hotels.

B. Apartment houses. Buildings furnishing living quarters for 3 or more families living independently of each other and with independent cooking facilities, whether designated as apartment house, tenement, garden apartment or by any other name.

C. Dormitories. Buildings where group sleeping accommodations are provided for persons not members of the same family group in one room or in a series of closely associated rooms as in college dormitories, fraternity houses, military barracks, ski, lodges; with or without meals.

D. Lodging or rooming houses. Buildings or groups of buildings under the same management in which separate sleeping rooms are rented providing sleeping accommodations for a total of 15 or less persons, on either a transient or permanent basis; with or without meals, but without separate cooking facilities for individual occupants.

5. Mercantile buildings. Mercantile buildings for the purposes of this section shall include stores, market buildings and other structures for the display and sale of merchandise.

6. Office buildings. Office buildings for the purposes of this section shall include buildings used for the transaction of business other than covered under mercantile buildings, for the keeping of accounts and records and similar purposes. Doctors' and dentists' offices are included unless of such character as to be classified as hospitals. Service facilities usual to city office

buildings such as news stands, lunch counters serving less than 100 persons, barber shops and beauty parlors are included in this group.

Sec. 2. R. S., T. 25, § 2449, repealed and replaced. Section 2449 of Title 25 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2449. Penalty

Whoever shall construct, reconstruct or cause to be constructed or reconstructed a building or addition thereto without first obtaining the construction permit required by section 2448 shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than \$100.

Sec. 3. R. S., T. 25, § 2450, repealed and replaced. Section 2450 of Title 25 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2450. Examination by Division of State Fire Prevention

The fee for examination by the Insurance Commissioner through the Division of State Fire Prevention for each set of plans for construction, reconstruction or additions to such buildings listed in section 2448 shall be \$15. Such fee shall be credited to the Division of State Fire Prevention to defray the expenses of the division. Any balance of said fees shall not lapse but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.