

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 788

H. P. 607 House of Representatives, February 12, 1969
Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Heselton of Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Authorize Municipalities to Incorporate by Reference the Provisions of Nationally Known Technical Codes Prepared by State or Regional Agencies.

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

R. S., T. 30, § 2156, additional. Title 30 of the Revised Statutes is amended by adding a new section 2156, to read as follows:

§ 2156. Adoption of codes by reference

1. **Definitions.** As used in this section, the following terms shall have the meanings indicated, unless the context otherwise requires:

A. "Code" means any published compilation of rules which has been prepared by various technical trade associations, model code organizations, federal agencies, this State or any agency thereof, and any official regional agency within the State publishing a code, and shall include specifically, but shall not be limited to: Building codes, plumbing codes, electrical wiring codes, health or sanitation codes, fire prevention codes, inflammable liquids codes, together with any other code which embraces rules pertinent to a subject which is a proper municipal legislative matter;

B. "Municipality" means any municipality operating under general law or charter;

C. "Published" means printed or otherwise reproduced.

2. **Adoption and amendment of codes by reference.** Any municipality may adopt or repeal an ordinance which incorporates by reference any code

or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full. At least 3 copies of such code, portion or amendment, which is incorporated or adopted by reference, shall be filed in the office of the clerk of the municipality and there kept available for public use, inspection and examination. The filing requirements prescribed shall not be deemed to be complied with unless the required copies of such codes, portion or amendment or public record are filed with the clerk of such municipality for a period of 30 days prior to the adoption of the ordinance which incorporates such code, portion or amendment by reference. If such a code, portion or amendment is promulgated by a metropolitan or regional agency, the adopting municipality must be within the territorial boundaries of the agency.

3. Posting and publication of adopting ordinance. Nothing contained in this section shall be deemed to relieve any municipality of the requirement of posting or publishing in full the ordinance which adopts such code, portion or amendment by reference and all provisions applicable to such publication shall be fully and completely carried out as if no code, portion or amendment were incorporated therein.

4. Adoption of penalty clauses. Any ordinance adopting a code, portion or amendment by reference shall state the penalty for violating such code, portion or amendment, or any provision thereof separately and no part of any such penalty shall be incorporated by reference.