

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 333

H. P. 198

House of Representatives, January 21, 1971

On motion of Mr. Carrier of Westbrook, referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Cote of Lewiston.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT to Require the Maine State Housing Authority to Adopt a State  
Housing Code.**

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

R. S., T. 30, § 4601-A, sub-§ 1, ¶ L, additional. Subsection 1 of section 4601-A of Title 30 of the Revised Statutes, as enacted by section 7 of chapter 470 of the public laws of 1969, and as amended, is further amended by adding a new paragraph L, to read as follows:

L. Shall on or before January 1, 1973 adopt regulations providing a state housing code which shall establish minimum standards governing the condition and maintenance of all dwellings; establish minimum standards concerning equipment necessary to the operation or enjoyment of the dwellings, all in order to make dwellings safe, sanitary and fit for human habitation, which regulations shall include, but not be limited to, regulations establishing minimum standards governing:

- (1) The conditions and maintenance of dwellings;
- (2) The adequate supply and maintenance of utilities, including but not limited to, heat, hot water, water, sewage, electricity, gas and oil;
- (3) Methods of egress and ingress;
- (4) Light and ventilation;
- (5) Insect and rodent control;
- (6) Electrical, plumbing and heating equipment and facilities;
- (7) Garbage and rubbish;
- (8) Sanitary fixtures;

- (9) Interior and exterior protection from the weather and elements;
- (10) Space and occupancy requirements; and
- (11) All other physical things and conditions essential to make dwellings safe, sanitary and fit for human habitation.

The regulations shall provide in addition a method for enforcement of the regulations and shall require that a certificate of occupancy be necessary as a precondition to the rental of dwellings, which certificate shall certify that the dwellings comply with the state housing code as promulgated.

Any person violating any of the regulations adopted pursuant to this provision by the authority or failing to comply with any lawful order made pursuant to said regulations shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$500 for each day of violation.

For the purposes of this paragraph "dwelling" shall mean a structure or that part of a structure which is, or is intended, for use as a home or residence by one person or by 2 or more persons maintaining a common household.

The state authority is authorized to amend and adopt rules and regulations in accordance with the procedures contained in Title 5, chapter 303 and additionally, prior to such adoption to hold a public hearing or hearings, in its discretion, on the proposed regulations and publish notice thereof in the state paper at least 7 days prior to said hearing date, including the location, time and place and substance of said hearing. After holding the hearing the state authority may adopt and amend any or all of the proposed regulations. The adopted regulations shall be published in the state paper and shall become effective one week following publication in the state paper and shall have the full force of law.

Any municipality may by ordinance prescribe regulations pursuant to section 2151, subsection 4, covering the same areas encompassed by the state housing code, which regulations shall provide not less than the minimum standards adopted by the authority. In the event that the provisions in the state housing code require greater standards of compliance than those promulgated by a municipality, the state housing code shall control.

#### STATEMENT OF FACT

This proposal would allow the state housing authority to adopt, by regulation, a state housing code after having been given an opportunity to study the problem and after having held public hearings. The housing code would encompass those areas presently covered by some municipal housing codes and would have the added benefit of providing for a housing code for the entire State. Most Maine municipalities do not now have a housing code to provide minimum standards for decent living for their inhabitants.