

MAINE STATE LEGISLATURE

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(New Title)
New draft of: H. P. 826, L. D. 1116

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1836

H. P. 1417

House of Representatives, June 15, 1971

Reported by Mr. Stillings from Committee on State Government and printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Establishment of a State Building Code.

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

R. S., T. 30, § 4602, sub-§ 2, ¶ B, sub-¶ (9), additional. Paragraph B of subsection 2 of section 4602 of Title 30 of the Revised Statutes, as enacted by section 8 of chapter 470 of the public laws of 1969, is amended by adding a new subparagraph (9) to read as follows:

(9) The authority shall issue and enforce rules and regulations necessary to establish and maintain a State Building Code for residential construction based upon the rules and regulations as outlined in the BOCA Code, Building Officials Conference of America, Sec. 210.2 and 210.3 or use group L-2 and L-3 structures and the U. S. Department of Housing and Urban Development, hereinafter referred to as "HUD." The rules and regulations, as far as practicable shall formulate the standards and requirements for housing in terms of performance objectives so that adequate performance for the intended use is made the test of acceptability. The rules and regulations shall permit the use of new and improved technology, techniques, methods and materials, consistent with requirements of the Building Officials Conference of America and HUD. The authority shall delegate to local enforcement agencies the inspection functions with respect to this paragraph in all municipalities where there is a building inspector as provided by Title 25, section 2351. In the event that a municipality has no building inspector the municipality may request the State Housing Authority to enforce this subparagraph.

Nothing herein shall be deemed to prohibit any municipality from enacting, by ordinance, regulations more stringent than the rules adopted by the department.

Any person, affected directly or indirectly, may appeal from any decision, order, rule or failure to act of the authority when it is claimed that the true intent of the rules adopted by the authority have been incorrectly interpreted, the rules do not fully apply or an equally good or better form of construction can be used. Appeal shall be taken to the Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

STATEMENT OF FACT

This new draft provides for a model state building code which may be exceeded by local communities. It also provides for enforcement at the local level, and that communities without building inspectors have the option of choosing whether or not the code will be enforced in their communities. There is no appropriation necessary under this bill.