

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1109

H. P. 813

House of Representatives, February 27, 1973

Speaker laid before the House and on motion of Mr. Cooney of Sabattus, referred to the Committee on State Government. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Donaghy of Lubec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Authorize the State Housing Authority to Adopt a State
Building Code.

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

R. S., T. 30, c. 1, sub-c. II, Article 10, additional. Subchapter II of chapter 1 of Title 30 of the Revised Statutes is amended by adding a new Article 10, to read as follows:

ARTICLE 10. STATE BUILDING CODE

§ 431. Short title

This Act may be known and cited as the State Building Code Act.

§ 432. Declaration of purpose

It is found that there exists no standard building code in the State of Maine. Furthermore, certain communities adhere to outdated codes while others have no codes and therefore allow substandard construction.

The adoption of a performance-oriented state-wide building code would standardize requirements for construction in Maine. It would eliminate substandard construction and overcome resistance to change on the part of some communities.

§ 433. Definitions

1. Building code. A "building code" is a set of performance criteria designed to insure structural stability, adequate living space, stress capacities

and other similar matters as they relate to on site construction of buildings designed to serve as residences for individuals or families.

2. Code enforcement officer. A "code enforcement officer" is any person authorized by the State Housing Authority or a local governing body to inspect buildings under construction to determine that the builder is conforming to a building code.

3. Local governing body. "Local governing body" means any county, city, village, town or other jurisdiction within this State with authority to establish standards for construction.

§ 434. Code adoption board; establishment; funding

The Governor shall appoint a Code Adoption Board to consist of the Director of the Maine State Housing Authority, 2 representatives of the home-building industry, 2 representatives of local governing bodies and 2 licensed engineers.

The board shall be constituted upon appointment of all members.

The chairman of the board shall be elected by majority vote of the members of the board.

The board members shall receive no compensation for their duties, but shall be entitled to reimbursement for expenses incurred in the performance of their duties. The assistants or consultants may be hired in the capacity of independent contractors but not as employees and may be paid according to the discretion of the board.

§ 435. Powers and duties

1. Funding. At such time as the Director of the State Housing Authority shall have received assurances of adequate funding, the board shall be authorized to hire such assistants or consultants as the board shall deem necessary to assist it in legal, technical, clerical or other matters related to adoption of a State Building Code.

2. Regulations. The board shall adopt regulations specifying the practices to be used before the board and the rights, duties and privileges of parties or other interested persons appearing before the board.

3. Hearings. To hold hearings, but said hearings need not be held if the board determines that hearings are unnecessary. If the board holds no hearings, it must hold open meetings exclusively.

4. Adoption of building code. To adopt by a vote of at least 6 of its members, a building code for the State of Maine. Said code may be one of the nationally recognized codes, provided that the board certifies to the Maine State Housing Authority that the board has reviewed said code and made those alterations necessary to make the code workable under conditions in the State with specific reference to the use of Maine products and with attention to any diversity of local conditions among various areas of the State.

5. Certify adoption. To certify the State Building Code as adopted, to the Maine State Housing Authority and the Secretary of State, as the official building code.

§ 436. Enforcement

1. Local enforcement. After the adoption of the Maine State Building Code, local governing bodies shall instruct their code enforcement officers to enforce the Maine State Building Code and no other building code.

2. Chief code enforcement officer. At such time as the Director of the State Housing Authority shall have received assurances of adequate funding, either by means of a legislative appropriation or a voluntary contribution from participating local governing bodies or from other sources, he may hire and set the salary for a state chief code enforcement officer who shall be responsible for training and licensing local code enforcement officers.

3. Resolution; public notice. At such time as the State Housing Authority is prepared to train and license local code enforcement officers, it shall adopt a resolution so stating, and shall publish said resolution in the state paper 3 times.

4. Local code enforcement officers. After publication of the resolution called for in subsection 3, no local governing body may hire a code enforcement officer who has not been licensed, either provisionally or permanently, by the State Housing Authority. All local code enforcement officers, who have been in the continuous employ of a local governing body for at least one year prior to the adoption of this resolution, shall be automatically entitled to permanent licenses under this section. All local code enforcement officers, who are employed by a local governing body as of the date of adoption of this resolution but are not entitled by this subsection to a permanent license, shall be entitled to a provisional license subject to rules and regulations to be adopted by the State Housing Authority.

5. Code enforcement services. A local governing body, in a jurisdiction which has no code enforcement officer, shall not be required to enforce the State Building Code. Said local governing body having no code enforcement officer may enter into any reasonable cooperative agreement or contract with any other governing body, including the State Housing Authority, or with qualified consultants, to purchase or receive free services from any qualified person to enforce the State Building Code within its jurisdiction.

§ 437. Local variations and amendments

1. Variations. Local governing bodies may appear before the Code Adoption Board to present reasons for any desired local variation from the State Building Code.

2. Amendments. After adoption of the building code by the board, a local governing body may appeal to the Code Adoption Board for amendments to the code on a local variation or state-wide basis. The Code Adoption Board may adopt said amendments after advertising the same at least 3 times in the state paper. Said amendments shall not become effective until certified by the Maine State Housing Authority to the Secretary of State.

§ 438. Limitation

The State Building Code shall not supersede any other related state code now or hereafter adopted to regulate any specific item or process related to building construction such as electric codes or plumbing codes. In cases where there are no other state codes. If the Maine State Housing Authority shall adopt a Maine State Building Code, said code shall supersede any conflicting code adopted under this section by any municipality in all areas in which the 2 codes actually conflict.

STATEMENT OF FACT

This bill establishes a standard state-wide building code conditional upon funding.