

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 1346, L.D. 1810, Bill, "AN ACT to Establish the Maine Building Code."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Sec. 1. 5 MRSA §1742, sub-§6-A, as enacted by PL 1973, c. 741, is repealed and the following enacted in place thereof:

6-A. Building code. To adopt for design and construction purposes for all public improvements the Basic Building Code which has been prepared and as amended from time to time by the Building Officials and Code Administrators International, Inc. and such other of the compilations of rules and regulations which have been prepared by said organization as may be appropriate. The department may amend any such adopted code, rule or regulation but only to improve the quality of construction or design required and only by referring in the amendment to the appropriate section of the code, rule or regulation amended.

Sec. 2. 30 MRSA §2156, as amended, is repealed and the following enacted in place thereof:

§2156. Maine Building Code

1. Basic Building Code; Maine Building Code. The Basic Building Code as prepared and as amended from time to time by the Building Officials and Code Administrators International, Inc. shall be the Maine Building Code.

2. Adoption by reference. Any municipality may adopt or repeal an ordinance which incorporates by reference the Maine Building Code without setting forth the provisions of such code in full. At least 3 copies of the Maine Building Code, if adopted by reference, shall be filed in the office of the clerk of the municipality, or in the office of his appointed designee, 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 code are filed with the clerk of such municipality or in the office of his appointed designee for a period of 30 days prior to the adoption of the ordinance which incorporates such code.

3. Posting and publication of 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 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 the Maine Building Code or amendment by reference shall state the penalty for violating such code, or amendment, or any provision thereof separately and no part of any such penalty shall be incorporated by reference.

5. Inconsistent codes. No municipality may adopt any code prescribing standards for design and construction of buildings, by reference or otherwise, except the Maine Building Code. Any such code adopted prior to the effective date of this Act shall continue in effect as adopted until amended by the municipality.

6. Amendments. A municipality may, by the same procedure as described herein or otherwise provided for amending ordinances, amend the Maine Building Code once adopted. However, only such amendments to said code as are intended to improve or upgrade design or construction standards shall be valid. Any such amendment shall refer to the amended section of the Maine Building Code as a matter of reference.

Sec. 3. 32 MRSA §209 is enacted to read:

§209. Design standards

No architect holding a certificate of registration shall design a building for construction in Maine which does not meet at least the minimum performance standards set forth in the Basic Building Code as prepared and amended from time to time by the Building Officials and Code Administrators International, Inc.; provided, however, that the Maine State Board of Registration of Architects may waive the provisions of this section by regulation to the extent that it may, in their opinion, inhibit sound professional practice.

Sec. 4. 32 MRSA §1361 is enacted to read:

§1361. Design standards

No engineer holding a certificate of registration shall design a building for construction in Maine which does not meet at least the minimum performance standards set forth in the Basic Building Code as prepared and amended from time to time by the Building Officials and Code Administrators International, Inc.; provided, however, that the State Board of Registration for Professional

Engineers may waive the provisions of this section by regulation to the extent that it may, in their opinion, inhibit sound professional practice.'

Statement of Fact

The purpose of this amendment is to make it precatory rather than mandatory for municipalities to adopt the BOCA code. If a municipality chooses to adopt any code, it must adopt BOCA as a minimum. There is also a grandfather clause in this amendment.

Reported by the Majority of the Committee on Legal Affairs.

Reproduced and distributed under the direction of the Clerk of House.
/59/75

(Filing No. H-283)