

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 677

H. P. 546

House of Representatives, February 21, 1979

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Vincent of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Relating to the Establishment of a State Building Code.

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

30 MRSA § 4602, sub-§ 2, ¶ B, sub-¶ (9) is enacted to read:

(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 and Code Administrators BOCA Basic Building Code for Residential Structures. 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 and Code Administrators BOCA Basic Building Code for Residential Structures. 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 Maine Rules of Civil Procedure, Rule 80-B.

STATEMENT OF FACT

This bill 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.