

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 956

6
7 H.P. 744

House of Representatives, March 2, 1983

8 Submitted by the Department of Public Safety pursuant to Joint
9 Rule 24.

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

EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

11 Cosponsors: Senator Charette of Androscoggin, Representative
Swazey of Bucksport and Representative Studley of Berwick.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Amend the Law
18 Governing Construction Permits and
19 the Examination of Plans by the
20 Office of State Fire Marshal.
21

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

24 Sec. 1. 25 MRSA §2448, as amended by PL 1979, c.
25 208, §1, is repealed and the following enacted in its
26 place:

27 §2448. Construction permit; when required

28 No property owner, agent or representative of the
29 owner may construct, alter or change the use of any
30 structure to become a public building without first
31 obtaining from the Commissioner of Public Safety a
32 permit therefor. A request for a permit shall be ac-
33 companied by a true copy of the plans and specifica-

1 tions for that construction, reconstruction or change
2 of use. The commissioner shall issue a permit only
3 if the plans comply with statutes and lawful regula-
4 tions promulgated to reduce fire hazards.

5 The term "public building" shall include any
6 building or structure constructed, operated or main-
7 tained for use by the general public, which shall
8 include, but not be limited to, all buildings or por-
9 tions of buildings used for a schoolhouse, hospital,
10 convalescent, nursing or boarding home to be licensed
11 by the Department of Human Services, Division of
12 Licensing and Certification; theater or other place
13 of public assembly, mercantile occupancy over 3,000
14 square feet, hotel, motel or business occupancy of 2
15 or more stories; or any building to be state owned or
16 operated.

17 The term "true copy" means an accurate repre-
18 sentation by dimensioned plans and specifications of
19 the final construction documents.

20 Sec. 2. 25 MRSA §2450, as amended by PL 1979, c.
21 186, is repealed and the following enacted in its
22 place:

23 §2450. Examinations by State Fire Marshal

24 The Commissioner of Public Safety shall, in ac-
25 cordance with requirements of the Maine Administra-
26 tive Procedure Act, Title 5, chapter 375, adopt a
27 schedule of fees for the examination of all plans for
28 construction, reconstruction or repairs submitted to
29 the Office of the State Fire Marshal. The fees shall
30 be credited to the State Fire Marshal to defray the
31 expenses of that office. Any balance of the fees
32 shall not lapse, but shall be carried forward as a
33 continuing account to be expended for the same pur-
34 pose in the following fiscal years.

35 STATEMENT OF FACT

36 The Office of State Fire Marshal adopts the Life
37 Safety Code, National Fire Protection Association,
38 101, which sets fire safety requirements in occupan-
39 cies of all types.

1 The current statute, Title 25, section 2448,
2 identifies those buildings for which examination of
3 plans must be conducted and a construction permit
4 must be issued. Certain buildings, such as mercan-
5 tile establishments, shopping centers and office
6 buildings, do not require construction permits or
7 plans review. Many of these facilities, when com-
8 pleted, require extensive and expensive corrections
9 to come into code compliance. The intent of this
10 bill is to insure these buildings comply with the
11 Life Safety Code prior to construction in order to
12 eliminate the expensive corrections often required.

13 The fee for the examination of plans has remained
14 at \$15 for many years. The detailed review of some
15 large occupancies, such as hospitals, schools, hous-
16 ing projects, shopping centers, etc., is to be estab-
17 lished by a fee schedule which will partially recover
18 the cost of the examination plans. In no instance
19 will the proposed fee schedule exceed \$55.

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