

MAINE STATE LEGISLATURE

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L.D. 862

(Filing No. S-361)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 292, L.D. 862, Bill, "An Act to Clarify Mandatory Waiver Authority Concerning Construction Requirements"

Amend the amendment by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA §4594-D, sub-§9, as amended by PL 1993, c. 410, Pt. X, §2, is further amended to read:

9. Waivers; variance. Builders of facilities governed by subsection 7 may file a petition with the State Fire Marshal requesting a waiver or variance of the standards of construction. If the representative of the Office of the State Fire Marshal determines in cases covered by mandatory plan review that compliance with this section and its rules is not technologically feasible or would result in excessive and unreasonable costs without any substantial benefit to persons with physical disability, the State Fire Marshal may provide for modification of, or substitution for, these standards. In all petitions for variance or waiver, the burden of proof is on the party requesting a variance or waiver to justify its allowance.

Requests for waivers or variances for buildings covered by mandatory plan review are heard by a designee of the Office of the State Fire Marshal. A decision must be provided in writing to the party requesting the waiver or variance.

Sec. 2. 5 MRSA §4594-E is enacted to read:

SENATE AMENDMENT

§4594-E. Waivers for existing buildings

2
3 Owners of places of public accommodation built, renovated,
4 remodeled or enlarged between September 1, 1974 and January 1,
5 1991 may apply to the Office of the State Fire Marshal until
6 September 30, 1994 for a waiver or variance from the standards of
7 construction for accessibility requirements. If the Office of
8 the State Fire Marshal determines that compliance with applicable
9 requirements is not technologically feasible or will result in
10 excessive and unreasonable cost in terms of current dollars
11 without any substantial benefit to persons with physical
12 disabilities, it may provide for modification of or substitution
13 of standards. In all petitions for variance or waiver, the
14 burden of proof is on the party requesting a variance or waiver
15 to justify its allowance.

16
17 A request for a waiver or variance under this subsection
18 must be processed and may be appealed in the same manner as
19 waivers and variances under section 4594-D, subsections 9 and 10.

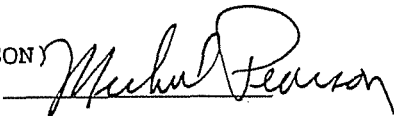
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21 The Commissioner of Public Safety shall adopt, in accordance
22 with requirements of the Maine Administrative Procedure Act, a
23 schedule of fees for the examination of requests for waivers
24 pursuant to this section and section 4594-D. The fees must be
25 credited to the State Fire Marshal to defray the expenses of that
26 office. Any balance of the fees may not lapse, but must be
27 carried forward for the same purpose.

28
29 **FISCAL NOTE**

30
31 The Office of the State Fire Marshal may experience
32 increases in Other Special Revenue and expenditures as a result
33 of charging fees to defray the additional costs associated with
34 processing requests for waivers or variances.

35 **STATEMENT OF FACT**

36
37 This amendment retains the procedures permitting waivers or
38 variances established in the committee amendment, but places the
39 authority to grant waivers or variances to the State Fire Marshal
40 rather than the Human Rights Commission, to reflect the changes
41 made in Public Law 1993, chapter 410, Part X. This amendment
42 removes the appropriation and adds a fiscal note.
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46
47 (Senator PEARSON)
48 SPONSORED BY: 

49 COUNTY: Penobscot
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