



## 116th MAINE LEGISLATURE

## **SECOND REGULAR SESSION-1994**

Legislative Document

No. 1634

H.P. 1215

House of Representatives, January 5, 1994

An Act to Clarify Plumbing Permit Fees.

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Business Legislation suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach. Cosponsored by Representative: PLOURDE of Biddeford. 2 **Emergency preamble. Whereas,** Acts of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, statutory changes enacted by the Maine Revised Statutes, Title 30-A, section 4211, subsections 2 and 5 and section 4221, subsection 4 have affected the ability of municipalities and the Department of Human Services to administer plumbing inspection programs; and

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Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30-A MRSA §4211, sub-§2, as amended by PL 1993, c. 20 404, Pt. C, §1, is further amended to read:

22 2. State rules. No municipal ordinance may be less restrictive than the rules of the department relating to plumbing or subsurface waste water disposal systems as adopted under Title 24 22, section 42. The department shall establish minimum permit The rules of the department relating to all 26 fees by rule. plumbing or subsurface waste water disposal systems have full 28 force and effect, provided that, to the extent that a municipality has enacted more restrictive ordinances, the 30 provisions of those ordinances prevail.

Sec. 2. 30-A MRSA §4211, sub-§5, as enacted by PL 1993, c. 404, Pt. C, §2, is repealed.

Sec. 3. 30-A MRSA §4221, sub-§4, as enacted by PL 1993, c. 36 404, Pt. B, §1, is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

## STATEMENT OF FACT

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This bill restores the authority of the Department of Human Services to set, by rule, minimum plumbing permit fees for internal plumbing and subsurface wastewater disposal systems.

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These fees were eliminated by Public Law 1993, chapter 404. The bill restores the inspection and permit requirements for installation of domestic heating appliances, minor plumbing work and minor installations. The restoration of the department's authority to set fees and the restoration of inspection and permit requirements will eliminate uncertainty as to when the fees, inspections and permits are required.

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This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.